

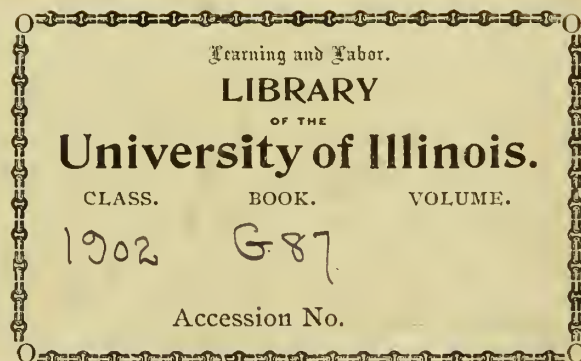
GRIDLEY

History of Anti-Slavery  
Petitions in Congress

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HISTORY OF ANTI-SLAVERY PETI-  
TIONS IN CONGRESS

BY

HARRY NORMAN GRIDLEY, A. B., 1901

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## THE HISTORY OF ANTI-SLAVERY PETITIONS IN CONGRESS.

From one standpoint the period in which anti slavery petitions were in any number present in Congress may be divided into three parts. The first of these would extend from the foundation of the government until about 1835, the second from then until 1845, and the third from 1845 until some time during the excitement just preceding the Civil War, approximately to 1856. These petitions were during almost the entire period obnoxious to the party in power in the nation. They were calculated to excite Southern alarm and not likely to be productive of much good. It was therefore advisable to get rid of them as quietly as possible, and toward this end the efforts of almost all members of Congress, including the presenters of the petitions themselves, were directed during the earlier part of the period. Down to the year 1835 the question appeared to be almost entirely one of expediency.

Although these efforts succeeded in disposing of the petitions in Congress, they had little influence on the nation at large. Here the development of the anti-slavery movement was slow but steady. The growth was especially noticeable during and following the years 1830-31, and the result was well calculated to arouse the apprehensions of Southerners. They believed that the continuance of any thing like economic prosperity at the South depended upon the preservation there unimpaired of the institution of slavery. More than this, they saw that the organizations of the North were arousing insurrections





among the slaves, who could only view them as allies prepared to march to their assistance at the first outbreak.

These are the reasons for the passage of the so-called Gag Resolutions. Believing firmly that agitations in Congress would continue as long as these petitions were allowed to enter its halls, and believing also that agitation in Congress increased agitation in the nation, they decided to shut out the petitions altogether. The result of their efforts was that the abolitionists were able to shift the battle-ground and pose before the people as champions of the "sacred right of petition". Under these conditions the ultimate end could only be the defeat of the South.

The struggle from 1836 to 1845, then, especially in the House of Representatives, centered about the different views held concerning the right of petition. The North generally held that the Resolutions violated the right, the South denied it. There were four steps that could be taken in regard to petitions; first, reception; second, reference; third, report,; and fourth, legislation. The question involved was, at what step did the right of petition stop and the right of Congress begin. In the earlier days of the period, before the struggle centered around the question of right, several ways of dealing with the petitions had been in practice. At times they had been referred to committees and reported upon, at other times the matter had stopped with reference, no report being made, and at still others they had simply been received and laid upon the table. Thus three of the four steps had been taken, but, as was said before, it was only a question of expediency, not of right.

The Pinckney Resolution recognized the right of petition.



It confined that right, however, to the presentation of the petition ~~to~~ the House, and reception by the House. There it declared the right of petition to end and the jurisdiction of Congress to begin. Its advocates declared that Congress must receive and hear all petitions; once received they were under the jurisdiction of the House, which could refer or not as it pleased. If it did not wish to refer it could lay the petition upon the table, and this was what the Resolution provided for in the case of the anti-slavery petitions. The people assembled peaceably, they petitioned for a redress of grievances, their petition was presented to Congress, and a statement of its contents made to the House. It was then the right of that body to dispose of it as it thought proper.

This resolution, and subsequent ones, were opposed by the advocates of two other theories of the right. The first urged that the right of petition extended to reference, and to this class during the earlier part of the controversy Mr. John Quincy Adams belonged. He did not object to the petition being ignored or forgotten after it was in the hands of a committee, but he did insist upon reference. Merely to receive and table the petition he did not consider as covering the full duty of Congress in the matter. Respect could be shown the petitioners only by referring their prayer. The second class was the one to which Mr. Adams later belonged. It insisted not only upon reference but also upon report. The only way, according to its belief, in which the petition could be properly heard was by reference to a competent committee which should deliberate upon the matter, and report to the House the result of its deliberations. Mr. Slade and Mr. Giddings were also advocates of this view. It should also be stated in passing that the Pinckney Resolu-





tion was opposed by Southern extremists, whose view is next to be considered. It is, however, difficult to draw the line of distinction between the Southern members at this time, on account of the fact that many of them who really opposed the measure on principle voted for it as a matter of expediency.

The Gag Resolutions for the first few years accorded with the views of the moderate Southerners and provided for the reception and tabling of petitions. In 1840, however, the extreme Southern radicals forced their theory upon the House. This was that Congress had the right not only to deny reference to any petition, but also to deny entrance to any which in its judgement was not entitled to reception. This view was most earnestly advocated in the Senate by Mr. Calhoun and his little party of extremists, in the House by Mr. Glascock, and Mr. Hammond. They held the House to be exclusive judge of the kind of petitions which it should receive. They declared that unless Congress possessed this power the right of petition infringed upon one of the most important powers of any deliberative body. They cited examples of the rejection of petitions by the English House of Commons, and also the opinion of Jefferson, who had held that ordinarily when a petition was presented the question of reception should be raised and decided. The Resolution of 1840, expressing their view, provided that no petition in any way concerning slavery should be received by the House. They declared, however, that the right of petition was observed. People assembled and petitioned, their petition was presented to Congress, a statement of its contents was made by their agent to the House. It was then in the power of that body to receive or to reject it at its pleasure. The right of petition ended with presentation.



Besides these different theories in regard to the extent of the right of petition, the specific case of the reception of those praying the abolition of slavery in the District was opposed on other ground. A party of men from the South denied the right of Congress to interfere with slavery here as firmly as they denied its right to interfere with that institution in the states. Here, also, they declared, the action must be taken by the people themselves. The session made by Maryland and Virginia guaranteed to the inhabitants of the District their property rights. Those rights were also guaranteed by constitutional amendment. The abolition of slavery here by Congress would be a despotic act. It would be equivalent to a declaration that the inhabitants had no voice in their own government. To the party advocating this theory belonged extremists like Hammond and Glascock. They were opposed to the passage of the Pinckney Resolution and to the others passed before 1840. They refused to support any such provision which did not contain a declaration that Congress had no power to abolish slavery in the District. And since the abolition would be unconstitutional they opposed the reception of petitions asking for it, holding that Congress could not receive petitions which it had no power, under the constitution, to grant.

These views prevailed also in the Senate, Calhoun being the great advocate of the extreme Southern view. On the other hand the Northerners contented themselves with maintaining that the petitions must be received, not advocating the necessity of reference or report. Thus, the leader of this party, Buchanan, drew a sharp distinction between the petition itself and its prayer. His method was the reception of the petition and the rejection of the prayer, if that prayer was offensive. The Calhoun extremists scouted this distinc-





tion, but the views of Buchanan prevailed.

This struggle over the right, as was before stated, belongs to the second part of the period, from 1836 to 1845. After the rejection of the gag rule in December 1844 the question again resolved itself into one of expediency, the petitions usually being referred either to the Committee on the District of Columbia, or to the Committee on the Judiciary, and forgotten. With these distinctions and theories of the right of petition clearly in mind the significance of the whole struggle over anti-slavery petitions in Congress is much more easily understood.

## CHAPTER II.

### THE FIRST PERIOD.

Agitation against the institution of slavery had been begun long before the future American nation was formed from the colonies. The specific objects against which it was directed differed from time to time according to circumstances, but the agitation against the institution was a movement which went on uninterrupted from the foundation of the republic until the Civil War. It seemed that by the abolition of slavery itself only was that movement to be stopped. So far as the effect of this opposition upon Congress is concerned, however, the beginning was in 1790. Already at its very first session Congress had been occupied with the consideration of slavery and the slave trade, but the first petition against the institution did not appear in the House until February 11, 1790<sup>#</sup>. On that day Mr. Fitzsimmons, of Pennsylvania, introduced a memorial from Quakers of Pennsylvania, New Jersey, Delaware, Maryland, and Vir-

<sup>#</sup>Annals of Cong., 1 Cong., 11 session, Vol. II, 1181-91.



ginia, in convention, on the subject of the slave trade. This address recited that a similar one had been presented to Congress in 1783, but that body had "declined promoting any public remedy against the gross national iniquity" on account of not being vested with legislative powers. It was now presented in order to bring the subject before Congress in the hope of securing the abolition of the slave trade.

Mr. Lawrence, of New York, then presented an address from the Society of Friends, of that state, concurring in the one from the Quaker convention. Mr. Hartley, of Pennsylvania, moved that as a mark of respect to the petitioners this address be referred to a committee, and the motion was seconded by Mr. White, of Virginia. This called forth some little debate, several members objecting on the ground that a second reading would consume time needed for more important measures. Mr. Jackson, of Georgia, also suggested that gentlemen should "respect the feelings of the members who represent that part of the Union which is principally affected by the measure".

Mr. Madison spoke in favor of committing, both in order for an investigation to see whether the laws were being abused and to avoid giving ground for alarm by a serious opposition. Others opposed commitment on the ground that the Quakers were meddling with matters which did not concern them. Mr. Jackson held that "any extraordinary attention of Congress to the petition" might have the effect of evincing to the people a tendency toward emancipation, and thus put slave property in jeopardy. It would furnish just ground for alarm to the South, hence the petition ought to lie upon the table.

Mr. Boudinot, of New Jersey, said; "It is not because the petition comes from the society of Quakers that I am in favor of com-





mitting it, but because it comes from citizens of the United States who are equally concerned in the wellfare and happiness of the country with others." There was no foundation for Southern apprehension.

Mr. Sherman, of Connecticut, wanted to commit in order to ascertain the powers of the general government over the slave trade.

Mr. Gerry, of Massachusetts, upheld the right of citizens to petition for redress of grievances, and a consequent duty of Congress to act. Personally he was in favor of the entire abolition of the slave trade. In reply to a part of his remarks Madison suggested that " gentlemen may vote for commitment of the petition without any intention of supporting the prayer," making the same distinction between the petition itself and its prayer that was made years afterward by Buchanan, and refuted so strenuously by Calhoun in the debate on his resolutions.

Mr. Tuskier, of South Carolina, advanced the argument that Congress had no power to do more than lay a duty upon the importation of slaves. The petition therefore asked for action which would be unconstitutional, and was ill judged. This also was an argument advanced by opponents of the agitation throughout its existence.

At this stage of the debate the motion to commit was withdrawn and the address tabled without division.

(1)

On the next day there was introduced a memorial from Benjamin Franklin, as President of the " Pennsylvania Society for promoting the Abolition of Slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African Race," praying Congress to give its attention to slavery

(1) Annals of Cong., 1 Cong., II session, 1789-90, Vol. II, 1197-1205.  
Benton Apr. 207-11.



and to abolish the slave trade. Mr. Hartley, of Pennsylvania, then called up the memorial of the Friends for second reading and commitment. Mr. Tucker opposed consideration of the memorial because it requested unconstitutional action, tended to alarm the South, and was an improper interference on the part of the Quakers. Mr. Seney, of Maryland, denied the argument that the action would be unconstitutional, while Mr. Burke, of South Carolina, supported the position of Mr. Tucker.

Mr. Scott, of Pennsylvania, was in favor of the abolition of the slave trade, and was sorry <sup>that</sup> Congress could not act. He was also against the institution of slavery, which was then defended by Mr. Jackson, and Mr. Baldwin, both from Georgia, who were sorry that the matter had been brought up. Congress had no power to act, and this discussion, which could therefore be productive of no legislation, was a bad thing for the Union. Mr. Smith, of South Carolina, also declared that the petition requested unconstitutional action, and could see no reason for committing it. It would arouse the jealousy of the South and create great alarm.

Mr. Page, of Virginia, replied from the standpoint of the moderates, declaring that the petition contained only the hope that Congress would see what it could constitutionally do to abolish the slave trade. There was no cause for alarm if the petition was committed, but there might be if it were not considered. The public would probably think that Congress had shut their ears against humanity, so the best thing to be done was to commit. There was no fear that Congress would exercise any unconstitutional power in the matter. Mr. Gerry also thought that Congress could and should reform the abuses prevalent in the operation of the slave trade.





The vote was then taken and resulted in 43 votes for, to 13 against commitment. All the votes against the motion came from the Southern states with but one exception, that of Mr. Sylvester, of New York. On the other hand 7 of the 9 votes of Virginia, and the (1) 3 votes from Maryland went with the North for commitment. Though the right of petition was hardly mentioned during the debate the attitude of the members of Congress could be plainly seen. Only one Northern vote was cast against extending the right to the second possible step, while 10 Southern ones were registered in favor of it. The reception was not objected to by any one, the question involved was whether the petition should be referred or tabled.

Nor did commitment close the incident. The committee reported, and the report was taken up on the eighth of March for reading. (2)

It outlined the powers of Congress in the matter as follows;

(1) The Government could not interfere with the slave trade before 1808.

(2) The Government could not emancipate these slaves.

(3) The Government could not interfere with state laws governing the relations between masters and slaves.

(4) The Government could lay a tax upon imported slaves.

(5) It could regulate the slave trade.

(6) It could keep foreigners out of the slave trade.

(7) It would exercise its constitutional authority in the interests of humanity.

Debate then occurred on the advisability of postponing the discussion, and a motion to postpone for a week was made and passed.

(1) See Appendix for vote.

(2) Annals of Cong., 1 Cong., 11 sess. 1789-90. Vol. II, 1413-1417.



(1)

On the sixteenth the report was again taken up and considered by paragraph. Mr. Brown, of Virginia, spoke of the pernicious effects that would follow adoption of the report on account of its tendency toward the annihilation of negro property. Mr. Burke declared that the negro slaves were in a much better condition than they would be were they free, and that the Quakers were a meddling class, interfering in matters with which they had no concern.

Mr. Smith, of South Carolina, insisted that the memorial was an indecent attack upon the character of slave-holders, and opposed to the principles of the Quaker religion. Congress had not the power of manumission, and even if it had it would be inexpedient to exercise it. He then went into detail upon the subject of slavery, its advantages, and public opinion regarding it. He declared it to be an absolute necessity to the South, and disapproved of the whole report.

After a short speech by Mr. Boudinot in favor of the report, against the slave trade, and in defense of the Quakers, the vote was taken. The last provision, promising action on the part of Congress, was struck out and the report then adopted by a vote of 29 to 25. Of those for adoption 22 were from the North, 6 from Virginia, and 1 from Maryland. Of the 25 against adoption 17 were from the South, 3 from Massachusetts, 2 from New York, 2 from Connecticut, and 1 from New Hampshire. The mixed vote was perhaps due in some measure to the dissatisfaction of radicals, Smith, of South Carolina, and Thatcher, of Massachusetts, both opposing. It is very probable that the former would have supported a declaration limiting the powers of Congress still more closely, and that the latter was for action, at least in regard to the slave trade. The majority of the





members preferred to take the middle course which at this time included the adoption of the report, the third step in the series of four possible ones.

There was no further interruption of Congressional business by petition until the eighth of December, 1791. On that day there was introduced into the House a memorial from a branch of the same society representing the states of Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and Virginia directed against allowing the slave trade to be shared by foreigners, and praying for better treatment of imported negroes. This memorial was referred to a committee composed of Benson, of New York, Baldwin, of Georgia, Dayton, of New Jersey, Smith, of South Carolina, and Larned, of Connecticut. The committee never submitted a report, the first example of that method of getting rid of the petitions which was to be followed for years to come, and which, according to John Quincy Adams, was equivalent to "sending them to the tomb of the Capulets". It was, perhaps, the most satisfactory method that was pursued at any time during the controversy. It satisfied the demands of those who held that the right of petition extended to reference, and the radical theories had not appeared in any strength in Congress at the time that this method was adopted. It seems very probable that if the Southerners themselves had not changed their tactics and followed a more radical course these theories would never have gained ground in either house of Congress.

(1) Annals of Cong., 11 Cong., 1 session, 1791-2. Vol. III, 241 ff.



Again there was a period of almost a year before another petition was given the consideration of Congress. Then, on the twenty-sixth of November, 1792, Mr. Ames, of Massachusetts, presented to the House the petition of Warner Mifflin and others in regard to abuses of the slave trade. It was read and laid upon the table for two days, when it was called up by Mr. Steele, of North Carolina. He had hoped, he said, to hear no more of slavery in the House. Mifflin was a fanatic, and he moved that the petition be returned to him.

Mr. Ames explained that he had presented the paper only because of the principle that any citizen had the right to petition Congress and apply to a representative to present his petition to the House. He did not favor the petition.

Mr. Smith admitted the right of petition, but declared that Mifflin was a fanatic, and that his petition was therefore not entitled to consideration. The people of the South had a right to expect this matter to be kept from being stirred up again as it had been in New York at the presentation of the previous petitions. He supported Steele's motion, which was agreed to, and another method of dealing with the petitions adopted. It was, however, a method used at the time only in extreme cases. It assumed the exclusive and unlimited power of Congress to decide what petitions ought and what ought not be received by the House, a power afterwards denied by Mr. Adams, Mr. Giddings, and other radical leaders. At this time, however, there was practically no opposition to the theory expressed.

(2)

Three months later another memorial from the Massachusetts and Rhode Island Society praying the attention of Congress to their

(1) Annals of Cong., 11 Cong., 11 session, 1791-2. Vol. III, 728-31.

(2) Ibid. 888.





memorial of December 8, 1791, which had been referred and never reported upon, was received and tabled without debate.

(1)

A year afterward, January 21, 1794, a memorial from Quakers, praying Congress to suppress the slave trade, was presented to the Senate and tabled. On the twenty-eighth a memorial from Mr. Bloomfield, President of the Council of Delegates from Abolitionist Societies of the United States, against the slave trade, was presented and read, but nothing further done.

(2)

In the House the petition from Quakers fared better. It was presented here on the twentieth of January, and next day referred to a committee composed of Trumbull, of Connecticut, Ward, of Massachusetts, Giles, of Virginia, Talbot, of New York, and Grove, of North Carolina, to report their opinion to the House. A week later two more petitions, one from the Delegates, and one from the Providence Society, were referred to this committee. On the eleventh of February it made a report which was referred to the Committee of the Whole House for the seventeenth. The House then instructed the committee to bring in a bill prohibiting the slave trade from the United States to foreign countries, a revision of former measures. This bill passed the House on the seventh, and the Senate on the nineteenth of March, the only instance during the ninety years of controversy over the anti-slavery petitions when one of those petitions caused the four steps, reception, reference, report, and legislation, to be taken by either of the houses of Congress.

This measure checked the presentation of petitions for a time, and for several years there came no more from the sources of

111 Cong., 1 session, 1793-4. Vol. IV, 36.

(1) Annals of Cong.,

(2)

(2) Ibid. 249-53, 349, 448, 455, 483.



the former ones. In the meantime petitions of a different character, though still bearing upon the general subject of slavery, appeared in Congress. April 25, 1796<sup>(1)</sup> a petition from the government of the Northwest Territory praying permission to import slaves into those regions was presented to the House. This was the first of a long series of attempts made by various parties in this region to secure the abrogation of the famous sixth article of the Ordinance of 1787., excluding slavery from the territory. The petition was referred to a committee which made its report upon the twelfth of May following. The report was unfavorable to the prayer of the petitioners and was laid upon the table. There was no opposition at any step of the proceedings.

Of still another character was the petition which appeared in the House on the thirtieth of January, 1797<sup>(2)</sup>. This was an appeal from manumitted slaves praying Congress to direct its attention to the general condition of the slaves, and to do all in its power to better that condition. It was introduced by Mr. Swanwick, of Pennsylvania, who hoped that it would be referred to a committee. Mr. Blount, of North Carolina, was opposed to reception on the ground that there was not even proof that the men were free. Mr. Heath, of Virginia, was of the same opinion. Mr. Madison was rather in favor of tabling. Mr. Sitgreaves, of Pennsylvania, was for committing, as was Mr. Rutherford, of Virginia. Mr. Smith advanced the argument of alarm to the South and was in favor of returning the petition. It had called especial attention to the danger of free negroes from being seized and sold into slavery. Mr. Varnum, of Massachusetts, emphasized this point and insisted that every person was entitled to the pro-

(1)

Annals of Cong., 1111 Cong., 1 session, 1796. Vol. V, 1171, 1349.

(2) Annals of Cong., 1111 Cong., 11 session, 1796-7. Vol. VI, 2015-24.





tection of the government. So far as these petitioners were concerned he declared that their petition should be received unless they were proved absolutely to be slaves. The question of freedom was of the greatest importance.

By a vote of 50 to 33, however, the petition was returned. Here again is the assertion of the power of Congress to act as exclusive judge of the petitions it shall receive.

At the next session a memorial from the Quakers requesting the attention of Congress to the oppressed condition of the African race was received in the Senate.<sup>(1)</sup> It was read and tabled, and the next day ordered to be withdrawn. In the House the same memorial was presented by Mr. Gallatin, on November 30,<sup>(2)</sup> 1797, who moved a second reading. Mr. Harper, of South Carolina, hoped that this would not be granted. The practice had a tendency to arouse great evils by hearing "remonstrances complaining of what it is utterly impossible to alter." Mr. Thatcher replied that reference would be the best way of getting rid of what Mr. Harper apprehended. Mr. Lyon, of Vermont, went further and declared that the petition complained of grievances which should be remedied. Mr. Rutledge, of South Carolina, retorted that redress should be sought in courts of justice and not in petition. If the committee would censure these people who were in the habit of seducing the servants of gentlemen travelling to the seat of government, and of importuning Congress to interfere with business with which the Constitution expressly forbade it to deal he should favor reference. Since the committee would not bring in such a report he preferred to table the petition.

(1) Annals of Cong., V Cong., II session, 1797-8. Vol. VII, 475.

(2) Ibid., 656-70; Benton Abr. II, 182-8.



Mr. Swanwick thought that the memorial should be treated in the usual way. If it asked for any unconstitutional action the prayer would be rejected as a matter of course. If the petitioners were in the wrong it was his opinion that the best thing that could be done would be to appoint a committee which should make a report calculated to set them right.

Mr. Gallatin also was in favor of reference. The Quakers were not, as had been charged, attempting to throw any thing into disorder. If the committee reported that the House could do nothing, and the House agreed to the report, that would be a much more respectful way of closing the matter than by throwing the petition under the table.

Mr. Sewall, of Massachusetts, on the other hand, was for rejecting at once any memorial that concerned subjects over which Congress had no power. He therefore wanted the whole matter tabled.

The speeches then became briefer, almost entirely expressions of opinion. Mr. Mason, of North Carolina, thought the petition wholly unnecessary, and the matter one of state policy entirely. Mr. Allen, of Connecticut, wished the petition considered at length in the hope that it might produce good results. Mr. Livingston, of New York, denied the charges of the memorial, which he declared to be utterly unfounded. Nevertheless he also wanted the petition discussed and the matter investigated. Mr. Nicholas, of Virginia, believed that it would be to the honor of slave-holders to have the investigation take place. He therefore favored commitment. Mr. Edmond, of Connecticut, maintained that the very diversity of opinion manifested in the speeches showed the "necessity of an investigation of the subject, in order to determine the jurisdiction of the House". This point he wished definitely settled.





The second reading carried by an affirmative vote of 53, and the memorial was referred to a select committee composed of Sitgreaves, of Pennsylvania, Nicholas, of Virginia, Dana, of Connecticut, Schureman, of New Jersey, and Smith, of South Carolina. A report<sup>(1)</sup> was made January 29, 1798, stating that in the opinion of the committee the matter was outside the judicial cognizance of Congress. It therefore advised that body to give the memorialists leave to withdraw the paper. By a vote of 36 to 35, the Speaker deciding, this report was committed to the whole house and adopted, February 14 by an affirmative vote of 74.

Again, this time in spite of rather marked opposition, three of the steps were taken. It should be noticed, however, that the opposition came from both North and South, and that it did not arise on the question of principle, but was directed against the specific case. Many of the South were in favor of reference. The principle of limitation of the right by Congressional jurisdiction seems to be again admitted, and the question involved was whether the subject matter, or prayer, of this particular memorial ought to be further considered by the House.

For a period of two years no slavery petition was again seen in either house of Congress. From all appearances the heated debates which had almost invariably followed the introduction of these papers seemed to be a thing of the past. But there were ever new sources from which disturbances might emanate, and it was a petition coming from a new class of people that next aroused the House.

(1) Annals of Cong., Cong. 11 session, 1797-8. Vol. VII, 945-6; 1032-3.



On the second of January, in the last year of the eighteenth century Mr. Waln, of Pennsylvania, presented to the House a petition from free blacks, which he moved to refer to the Committee on the Slave (1) Trade. The petition asked for three things; revision of the slave trade laws, revision of the fugitive slave laws, and the adoption of measures tending toward the gradual abolition of slavery by emancipation.

Mr. Rutledge immediately replied, opposing the reference of what he designated an unconstitutional and improper memorial. even Mr. Otis, of Massachusetts, regarded the petition as highly dangerous, part of it being improper, and the rest unnecessary. Mr. Thatcher himself was for reference merely as a duty of Congress to settle the question raised by the petition definitely. Mr. Randolph, of Virginia, replied. He wanted the motion for reference lost by such a decided majority as to discourage these people from further petitioning.

Mr. Platt, of New York, said that only part of the subject matter was under the jurisdiction of Congress. He moved that petitions asking Congress to legislate on subjects outside the limits of its constitutional authority ought to receive no encouragement or countenance from the House. This motion carried by a vote of 85 to 1, Mr. Thatcher being its only opponent. It seems to have served the purpose of getting rid of the petition, for nothing further was heard of it.

The theory was one which was later of especial consequence in the controversy over slavery in the District of Columbia. Its ad-

(1) Annals of Cong., VI Cong., 1 session, 1799-1800. Vol. X, 229-245.





advocates there had to face the question of the jurisdiction of Congress over the District. If it did not cover legislation concerning slavery then the application of this theory would seem to exclude petitions requesting such action from consideration by Congress. It was therefore advocated very forcibly by Southerners during the years of the Gag Resolutions, being denied by Mr. Adams and other advocates of the theory that Congress must consider all petitions.

For the next twenty-seven years the reports of both houses of Congress contain but brief mention of anti-slavery petitions. Not that there were none presented, for every session two or three managed to slip inside, but they were quickly disposed of without debate or opposition. These appeals included petitions against the fugitive slave law, and both for and against the admission of slavery into the territories. In 1807 reference was refused a petition from Charleston merchants in regard to the slave trade. The same year petitions from Indiana Territory asking a suspension of the sixth article of the Ordinance of 1787 were referred to committees in both Senate and House. In both houses reports adverse to the petitions were made and adopted. The same thing had been done in the House a year before, and in January 1808 more petitions of the same tenor were referred to a committee that never reported. This was the last attempt by slavery advocates of that territory to secure favorable action from Congress.

(1) Annals of Cong., X Cong., 1 session, 1807-8. Vol. XVII, 1243.

(2) Ibid., 22-24.

(3) Ibid., 1331.



In 1813 a memorial from the Pennsylvania Abolition Society was presented to each house of Congress. In the Senate it was, as usual, merely read, (1) but in the House was referred to a committee composed of Mr. Milnor, of Pennsylvania, who had introduced it, Mr. Robertson, of Louisiana, Mr. Grovesnor, of New York, Mr. Wheaton, of Massachusetts, (2) and Mr. Earle, of South Carolina. The petition was in regard to the slave trade. The committee made a favorable report a week later, but (3) it was laid upon the table.

Still another method of disposing of the petitions appeared in the Senate three years later. On the twenty-sixth of February, (4) 1816, Mr. Roberts, of Pennsylvania, presented a memorial from the American Abolition Convention. It was referred to a committee composed of Mr. Roberts, himself, Mr. King, of New York, Mr. Ruggles, of Ohio, Mr. Mason, of Virginia, and Mr. Chase, of Vermont. Some time later, April 26, on motion of Mr. Roberts, the committee was discharged from (5) further consideration of the memorial.

In the House the memorial followed the usual course of being referred to a committee which never made a report. (6)

In January 1820 resolutions were received from New Hampshire declaring that Congress had the right to prohibit the admission of slavery into any state or territory thereafter to be formed, (7) and ought to exercise that right. The resolutions were merely read. Already, in December of 1819, a memorial from the American Anti-Slavery Convention protesting against the admission of any more slave states into the Union had been received and read. Memorials of

(1) Annals of Cong., XII Cong., 11 session, 1812-13. Vol. XXV, 87.

(2) Ibid., 1074. (3) Ibid., 1090. (4) Ibid., XXIX, 147. (5) Ibid., 326.

(6) Ibid., 1068. (7) Ibid., XXXV, 24, 69.





the same tenor now came pouring in from legislatures and conventions in the Eastern states, and here we can see plainly the connection between the controversy over the petitions in Congress and the great political questions of the nation. This was the time when the measures of the Missouri Compromise were being discussed throughout the country. For the most part the petitions were either simply read or read and referred to the Committee on the Judiciary.

Of yet another nature was the petition received on the tenth of December 1823 from the Society of Friends of New Garden, North Carolina, praying for the abolition of slavery in the District of Columbia.<sup>(1)</sup> This memorial was referred to the Committee on the District, which was, February 19, 1824, discharged from further consideration of the memorial, and the matter tabled. In this way was silenced the first of that long series of attacks upon slavery in the District which were to continue for years, and to arouse Congress at times to the highest pitch, of excitement. Nor did they cease until they had begun in Congress those threats of the disruption of the Union which were never quieted until disunion had really been temporarily accomplished.

The continuous deluge of petitions had now begun, though at first there were but few indications of the fierce struggle which that deluge was later to produce. On the twelfth of February, 1827,<sup>(2)</sup> Mr. Barney presented a memorial from Baltimore praying the enactment of a law providing that children thereafter born of slave parents in the District should be free at a certain age. He moved that the memorial be printed. Mr. Duffie, of South Carolina, characterized it

(1) Annals of Cong., XVIII Cong., 1 session, 1823-4. Vol. XLI, 810.

(2) Ben'on Abr., IV, 415-16.



as an impertinence of people concerning themselves with the affairs of others. Slavery in the District did not in any way concern the people of Baltimore. Mr. Barney explained that he had presented the paper merely as a duty which he owed to the memorialists. The motion to print was lost, and the petition tabled.

(1)

On the twelfth of December, 1831, Mr. John Quincy Adams presented to the House fifteen petitions praying for the abolition of slavery in the District of Columbia. He stated in explanation that he had not deemed himself at liberty to decline to present them.

They asked for abolition of slavery and the slave trade. He did not support those asking for the abolition of slavery in the District of Columbia, and did not want the matter discussed. He moved to refer them to the Committee on the District.

On the nineteenth this committee reported that it would be unwise and impolitic to abolish slavery in the District while Virginia and Maryland possessed the institution. The committee therefore recommended that it be discharged from further consideration of the petitions. This report was adopted by the House.

Again, on the fourth of February, 1833, a petition from Pennsylvania praying the abolition of slavery in the District was presented by Mr. Heister, who stated that he had in his possession several more of similar tenor. He expressed himself as in favor of the prayer of the petition, referring to the gross inconsistency of theory and practice of the government in regard to slavery. He moved to refer the petition to the Committee on the District. Mr. Mason was





against any action, and wanted the petition tabled. In his opinion it would be time for Congress to act when the people of the District petitioned; interference by outsiders was entirely unwarranted. Mr. Bates, of Maine, moved to table the question. Mr. Craig, of Virginia, however, was for reference. He thought the people of the North were as much interested in the District as were those of the South. Mr. Adams also was for reference as a mark of respect to the petitioners. Mr. Mason's motion to table was lost by a vote of 98 to 75, he then withdrew his opposition, and the petition was referred to the Committee on the District. (1) Congress was not yet ready to abandon the theory that the petitions ought, as a general rule, to be referred to a committee, even though a report was never made.

Senatorial action at this time was usually in accord with that of the House. On the second of April, 1832, a petition from England was refused reference on the ground that foreign interference was unwarranted. (2) On the seventh of April two years later Mr. Ewing, of Ohio, presented a petition praying for abolition in the District. In his opinion the abolition at this time would be unwise and inexpedient, and he therefore moved to refer it to the Committee on the District. This was done without debate. (3) A year later, not content with mere reference, he moved to refer a petition to a committee expressing at the same time the hope that the committee would make a report. (4) The petition was referred, but no report was ever made.

(1) Gale and Seaton Register of Debates, 22 Cong., 2 session, 1832-3. Vol. IX; 2; 1584-5.

(2) Debates, 21 Cong., 1 session, 1831-2. Vol. VIII, 2, 2332-49.

(3) Debates, 23 Cong., 1 session, 1833-4. Vol. X, I, 1260.

(4) Debates, 23 Cong., 2 session, 1834-5. Vol. XI, I, 398.



One year afterward, February 2, 1835, in presenting a petition on this subject, Mr. Dickson went at length into the condition of affairs in the District. He wanted the petition referred to a select committee because the Committee on the District was composed of a slaveholding majority, which guaranteed that the petition would never appear again. The right of petition was of no use if the petitions were to remain unheard. Congress possessed absolute power over the District, and the measures were highly expedient. The abolition of slavery in the District would be attended by no insurrection, and would have no connection with slavery in the states. It would greatly better the economic condition of the District.

The petition was tabled, without debate, by a vote of  
(1)  
117 to 77.

Two weeks later a petition from Maine praying for the abolition of slavery in the District was presented by Mr. Evans, and another, from Massachusetts, by Mr. Phillips, who requested that it be tabled. Mr. Dickson then presented one and asked that it be tabled and printed with signatures. Mr. Wise, of Virginia, declared that the petitions came from a very few fanatics who ought to be suppressed. He wished the memorials rejected, but the matter was tabled on motion  
(2)  
of Mr. Archer, of Virginia, by a vote of 139 to 63.

(1) Debates, 23 Cong., 2 session, 1834-5. Vol. XI, I, 1131. Benton Abr., XII, 660-6.

(2) Debates, Ibid., 1392-3. Benton Abr., Ibid., 676.





## CHAPTER III.

## THE ADOPTION OF THE GAG RESOLUTIONS.

It was impossible that the comparative ease with which Congress had until now disposed of these petitions should long continue. In the world outside there were occurring events which must profoundly influence the treatment of the measures. England had just abolished slavery in her colonies, and this was regarded by the slaveholders as but an outward indication of the opposition which was everywhere steadily developing, the opposition to their peculiar institution. But of infinitely more danger to them was the "rise of the men of one idea" which took place during this period. That one idea was the abolition of slavery, and its holders were men of the type of Lundy and Garrison, men who were willing to devote their whole lives to the attainment of this great end. It was men of this type that, on October 2, 1833, organized, in New York City, the Anti-Slavery Society to work for immediate abolition. The organization had to be effected in secret on account of almost universal opposition, but it was effected and the Society made ready for the conflict.

The growth of this society for the next few years was slow but steady. It was carried on in the midst of the most bitter opposition, Northern as well as Southern, and it is attestimonial to the zeal of its founders, however mistaken that zeal may have been, that it was able to exist and to carry on the amount of work it accomplished. According to the statement of Mr. Tappan, its president, "In July (1835) the American Anti-Slavery Society issued 175000 copies of newspapers and pamphlets.-- --We will preserve come life or death



If any fall by the hand of violence others will continue the blessed  
 (1) work." In this same year the society made an address in which it de-  
 clared its doctrines to be; (1) Congress had no power over slavery in  
 the states, (2) State legislatures controlled the institutions within  
 their limits, and (3) Congress could and should abolish slavery in  
 (2) the District of Columbia.

Bitterly opposed everywhere, the society carried on the work  
 so effectively that it was not long before the South began to become  
 alarmed. It became necessary to prove that these agitators did not  
 represent the true feeling of the North in regard to slavery, and  
 (3) this editors everywhere, North and South, endeavored to do. September  
 20, 1835, there was held in New York City a meeting of Southern gen-  
 tlemen which resolved that the South had nothing to fear from the  
 public opinion of the North.

At this time the chief source of apprehension to the South  
 was the use of the mails by the abolitionists to scatter their "in-  
 cendiary pamphlets" all over the South. Almost every Southern state  
 passed laws inflicting the severest penalties for such use. The  
 opposition grew to such an extent that Northern postmasters refused  
 to send out suspected matter. For this reason there arose a bitter  
 (4) controversy between Tappan and Postmaster Gouveneur of New York City.  
 The stand taken by the latter was fully approved by Postmaster Gen-  
 eral Kendall, who said, "If a state by a constitutional law declare  
 any specific act to be a crime, how are officers of the United States  
 who may be found guilty of that act to escape the penalties of the  
 (2) state law?"

(1) Niles Reg., XLIX, 21. -8.

(3) Ibid., XLVIII, 402-3.

(2) Ibid., XLIX, 28.

(4) Ibid., 447-8 (5) Ibid., XLIX, 7-8.





On the twenty-ninth of June, 1835, the Charleston Post Office was mobbed and the objectionable matter destroyed. A mass meeting was then held which ratified the work of the mob, several of the prominent ministers of the city attending. This action was also approved by Kendall.<sup>(1)</sup> Such methods were the only ones that the people had of prohibiting the use of the mails, as a bill for that purpose was defeated in the Senate by a vote of 25 to 19 in the session of 1835-36.

Though the North was willing to commit illegal acts to aid the South, it was not ready to make these acts legal, as the defeat of the bill proved. Yet public sentiment was, on the whole, "sound". At a meeting of 5000 in New York City, presided over by the mayor, August 22, 1835, resolutions against the abolitionists and agitation were readily passed.<sup>(2)</sup> On the same day Mr. Otis, of Massachusetts, made a speech in which he declared the agitation unconstitutional. In this same month the Register says, "Packages of anti-slavery pamphlets and papers are daily discovered and destroyed at various places. The members of the society lately subscribed \$100,000 to forward their work." Before the Massachusetts legislature Governor Anderson delivered an address in which he deplored agitation.<sup>(3)</sup> On the fourth of September, at Albany, Governor Marcy presided over a meeting which resolved against it,<sup>(4)</sup> and at the same time there was held a representative meeting at Newark which passed resolutions of the same tenor.<sup>(5)</sup>

Yet it was apparent that the imperious conduct of the South was producing a change in Northern sentiment, and things began to look critical to Southern eyes. The situation is thus ably summed up in an editorial of Niles' Register of October 3, 1835:<sup>(6)</sup>

(1) Schurz, Clay, II, 81. (3) Ibid., 21. (5) Ibid., 40.

(2) Niles Reg. XLIX, 9. (4) Ibid., 28. (6) Ibid., 65.



"Meetings of the people have been held in nearly all the chief cities and towns in the Northern states at which the proceedings of the abolitionists were rejected with great unanimity and much zeal.

"But many in the South, though apparently well satisfied at first with the doings at the North, have taken higher ground; and seem to demand the passage of laws of the severest nature against the abolitionists, under threats of non-intercourse and a withdrawal from the Union ----- These things on the part of the South have caused a great reaction in the North, and thousands of those who felt disposed- and really were so, to co-operate in putting down the 'abolitionists' through the force of public opinion, are halting in their action to prevent that catastrophe which both parties have so awfully apprehended."

And so the effect of the agitation seemed to be working evil both North and South. In the state of Virginia in 1832 there had been a strong movement toward the abolition of slavery in the state. Petitions were presented to the legislature, where the movement was led by Jefferson Randolph, the grandson of Thomas Jefferson. The matter was postponed entirely for political reasons, and everything tended toward emancipation. Then came the founding of the American Anti-Slavery Society, the scattering of incendiary matter everywhere, and the leaders in Virginia no longer dared hope to accomplish their project<sup>(1)</sup>.

This is one striking example of the feeling of the whole South in regard to the agitation.

On the other hand one more indication of Northern sentiment should suffice. A resolution of the Pennsylvania Legislature

(1) Mr. Buchanan's Administration, Chapter I.





declared that while the slave-holding states alone had the right to regulate and control domestic slavery within their limits, Congress had the power, and it was expedient , to abolish slavery and the slave trade in the District of Columbia.<sup>(1)</sup>

This, then, was the situation at the opening of Congress in December of 1835. Abolitionism had been held in disrepute, and had been attacked as vigorously in the North as in the South. But the North had not been willing to legalize these attacks, and had refused to pass the legislation demanded by the imperious South. The people of the non-slave-holding states had hesitated in the course whose consequences they now began to see. On the other hand the alarm of the South was growing more and more intense. Southern sentiment in the year 1834 is well illustrated by a letter written by John C. Calhoun to Francis W. Pickens.<sup>(2)</sup> In it he stated it as his opinion that the demand for emancipation in the District of Columbia was only the commencement of the work of the immediate emancipation of the whole South and must be promptly "met by the entire slave-holding states, with the determination to resist at any hazard." On the seventh of February, 1836, during the discussion which led to the adoption of the Pinckney Resolutions, he wrote to Vandeventer, " You give a fearful picture of the progress of the Fanaticks which is confirmed from every quarter we hear in the North. I fear a distinct issue between them and us cannot long be delayed- an issue which, if it does not rend our political fabrick asunder will shake it to the centre."

(1) Niles' Reg., I, 324-5.

(2) Calhoun Letters, Jameison Ed., 327.



These were the conditions under which, on the sixth of January, 1836, Mr. Jarvis, of Maine, introduced into the House of Representatives this resolution;  
(1)

"Resolved That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of this House that the same ought to be laid upon the table without being printed or referred."

Mr. Jarvis said in explanation of his resolution that from all appearances a large majority of the Representatives, both from slaveholding and from non-slaveholding states, were averse to any action on this subject. His constituents, at least, considered the question as belonging exclusively to the South.

Mr. Adams moved to table, and Mr. Glascock called for the yeas and nays. The vote resulted; yeas 66, nays 123.

Mr. Wise then moved to amend the resolution by striking out all after Resolved, and inserting;

"That there is no power of legislation granted by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia, and that any attempt to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the states."

Mr. Wise explained that the resolutions were not strong enough, therefore not satisfactory to the South. He had moved the

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6, Vol. III, 73 ff.





amendment to bring the matter squarely before the House.

Mr.Glascock then moved as an amendment to the amendment of Mr.Wise;

"Resolved, That any attempt to agitate the question of slavery in this House, is calculated to disturb the compromise of the Constitution, to endanger the Union, and, if persisted in, to destroy, by a servile war, the peace and prosperity of the country."

This was accepted by Mr.Wise as a modification of his amendment.

Mr.Glascock said that he approved of the resolution of Mr.Jarvis as far as it went, but it did not go far enough. He wanted to know the true sentiments of the North. If they were as he expected, all would be well, if not the South would never be tranquillized. He did not expect a declaration that Congressional interference with slavery in the District would be constitutional, but the South had a right to expect the North to support his resolution.

The difference between these three resolutions is easily seen. That of Mr.Jarvis, representing the view of the compromise men of the North, was a practical measure treating the question as one of expediency, and designed to get rid of it as soon as possible. On the other hand Mr.Wise and Mr.Glascock were contending for the principle. They wanted to see how far the North was willing to sustain them in their struggle against the abolitionists. Mr.Wise wished a declaration that Congress had no power over slavery in the District.Mr.Glascock was for a more sweeping condemnation of discussion in the House than the resolution of Mr.Jarvis.



The matter was then postponed by a call for the orders  
(1)  
of the day and not again taken up until a week later. At this time  
Mr. Allen, of Kentucky, moved to lay it on the table. Yeas and nays  
were again ordered, and the motion defeated by a vote of 58 to 56.  
It was then postponed until the nineteenth.

In the meantime, on the eighteenth, petitions praying for  
the abolition of slavery and the slave trade in the District of  
Columbia were presented by Mr. Slade, Mr. Russel, and others. On all  
of these petitions Mr. Hammond, of South Carolina, demanded the ques-  
tion of reception, which was upon each case laid upon the table.

(2)

On the next day the resolution of Mr. Jarvis, amended by  
Mr. Wise and Mr. Glascock, came up as the order of the day.

Mr. Peyton, of Tennessee, said that the mere declaration  
of inexpediency would never satisfy the people of the South. They  
demanded that the question of the power of Congress over slavery  
in the District be settled. Anything less than the amendment of Mr.  
Wise was shirking the subject.

Mr. Baldwin, of Virginia, however, did not think the ques-  
tion of constitutionality to be of much importance. There was fanat-  
icism both North and South and arguments were fairly useless. The  
discussion was then cut short by adjournment.

(3)

On the next day there was some debate, Mr. Pickens, of  
South Carolina, filling most of the period before time for orders  
of the day, which were taken up by a vote of 106 to 105, the Speaker  
deciding.

(4)

On the day following, Mr. Pickens continued, going at length

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6. Vol. III, 100.

(2) Ibid., 123. (3) Ibid., 125. (4) Ibid., 127.





into a discussion of the attack of Dr. Channing upon slavery, and replying to his arguments. He ended, however, by declaring that he wanted a vote upon the constitutional question to erect a barrier against the work of similar fanatics.

Mr. Hear, of Massachusetts, then spoke in regard to the question of constitutionality raised by the South. He said that the North had no desire to interfere with slavery in the Southern states, and that the question of territorial slavery was not then before the House, which should not concern itself with the remote, probable consequences of its action. But the Constitution did give to Congress the right to legislate upon the subject of slavery, as upon all other subjects, in connection with the District of Columbia. The language was "clear, intelligible, and unambiguous". If any limitation had been placed by the states which ceded the District upon the powers of Congress over it, it would have been expressed in distinct and positive terms, and not left to implication.

Discussion was again stopped by adjournment.

(1)

On the twenty-fifth of January another discussion was almost precipitated by Mr. Adams, who presented several petitions for abolition in the District. A point of order was raised, but the Chair decided in his favor and was sustained by the House on appeal. Mr. Adams moved the reference of one of these petitions to a select committee, saying that he did so because it came from ladies of his constituency. He also wanted a report that would satisfy the petitioners that their prayer ought not be granted. He thought this to be the best way to get rid of the subject in Congress. A select committee would be more likely to give a satisfactory report than



the Committee on the District because of the composition of the latter. Such a report would leave the right of petition unimpaired yet satisfy the petitioners.

The preliminary question on these petitions was laid upon the table.

Mr. Adams then presented more of them, stating that they were probably sent to him because of his declaration that he would present all such to the House. In regard to the language of the petitions, to which objection had been made, he replied that it would be difficult to use language which the advocates of slavery would deem respectful.

Again the preliminary question was laid upon the table.

(1)

On February first there arose a discussion which was provoked by petitions presented by Mr. Cushing, of Massachusetts. Mr. Hammond said that it was not his intention to argue against the right of people to assemble and petition Congress. But there were three courses open to the House on presentation; it could receive, could refer and report, or could lay the petition upon the table. Neither of these methods would infringe upon the sacred right of petition. He called upon the House to refuse to receive these because they asked Congress to do what would be unconstitutional. It would be taking from the slave-holders property which the Constitution guaranteed to them. These petitions were not only dangerous to the interests of the people he represented, but dangerous to all the interests of the Confederacy. The number of abolitionists in the North was shown by the fact that on the only day of this session

(1) Cong. Globe., XXIV Cong., 1 session, 1835-6. Vol. III, 157.





on which petitions had been received there were presented 58 of them, signed by six or eight thousand people. In the North there were 350 societies, all sprung into existence since 1833.

Congress had no right to legislate on slavery, and if ever the government dared to take up the subject and act upon it civil war would follow. The slaves were contented and happy, the tales of the separation of husband, wife, and family were false, and emancipation would be followed by disastrous consequences. The people of the South were united to a man on the subject of abolition and were prepared to roll back the tide of attack. All that they wished now was that the subject be kept outside the halls of Congress.

The motion not to receive was tabled.

This last discussion had taken place on the first day of February. Three days later Mr. Pinckney, of South Carolina, asked the unanimous consent of the House to the introduction of a resolution relative to the subject of abolition in the District. His object was to have the resolution printed, and when the pending resolutions on the subject were taken up he should offer his proposition in lieu of them. His resolution was;

"Resolved That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, with the amendment thereto, proposed by an honorable member from Virginia, and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instruc-

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6. Vol. III, 165.



tions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the states of this Confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, unpolitic, and dangerous to the Union; assigning such reasons for these conclusions as in the judgement of the committee may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slave-holding states, and of the people of this District, and to reestablish harmony and tranquillity amongst the various sections of the Union."

Since the resolution did not contain a denial of the power of Congress over slavery in the District Mr. Wise objected. Mr. Pinckney then moved to suspend the rules, but the motion was lost from lack of a two thirds affirmative vote, the vote being 124 to 75.  
(1)

Again, on the eighth of February, Mr. Pinckney moved to suspend the rules, and the motion was this time adopted by a vote of 135 to 65. Mr. Pinckney then spoke in support of his resolution. He had offered it in the firm conviction that its adoption was the wisest course to be pursued. He had done it for the good of his constituents, the wellfare of his state, the interests of the South, and the safety and preservation of the Union. He wanted a direct vote and practical results. He had three objects in mind; to arrest discussion of the subject of slavery, to bring the whole matter to a practical result satisfactory to both North and South and

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6. Vol. III, 170.





calculated to harmonize the Union, and to put down fanaticism.

After brief debate the previous question was ordered and the resolution adopted by sections. The first division, providing for reference of the memorials to a committee, carried by a vote of 114 to 48, Adams favoring, Wise opposing. The second division, containing the declaration of principle that Congress could not interfere with slavery in the states, carried 201 to 7, Adams opposing. The third part, that Congress ought not interfere with slavery in the District, carried, 163 to 47, Adams opposing. The fourth section, that interference would be a violation of the public faith, etc., 127 to 76, and the remainder, providing that the committee give reasons for the conclusions, 168 to 6, Adams favoring. Mr. Wise refused to vote on the last three divisions.

(1)

A week later, and before the committee had made its report, Mr. Wise demanded the question of reception on a petition presented by Mr. Briggs, of Massachusetts. He declared that the question of abolition was not, and could not be settled by evasive measures. The Northern people were the ones who had brought it on, and were now carrying on the agitation. The people of the South had deprecated this agitation in Congress and elsewhere, but still the petitions were received, referred, and legislated upon, and it was time for the South to act.

A question of order was here raised in regard to Mr. Wise's language, and before it was settled the House adjourned.

(2)

Again, on the twenty-third of February, Mr. Adams presented a petition and moved its reference to a select committee. Mr. Shep-

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6. Vol. III, 186.

(2) Ibid., 202.



hard, of North Carolina, objected to its reception, but the preliminary question was tabled 120 to 86. This petition and the one from Mr. Briggs objected to by Mr. Wise were then referred to the select committee.

After this the petitions were usually referred to the committee without question, but there were occasional exceptions. Thus, on the last of February, an appeal was taken from the decision of the Chair that resolutions presented by Mr. Patton, of Virginia, should be referred to the committee, but the decision was sustained by the House. Again, next day, Mr. Wise moved that the committee be instructed to submit this resolution;

"Resolved That Congress has no constitutional power to abolish slavery in the District of Columbia, or in the Territories of the United States."

The Chair decided this to be out of order and was sustained by the House on appeal.

There was no further debate before the report of the select committee, which was made, by Mr. Pinckney, May 18, 1836. The report went into the subject in an exhaustive manner, its reading consuming an hour and a half. It closed with these resolutions;

"Resolved That Congress ought not to interfere in any way with slavery in the District of Columbia. And Whereas it is extremely important and desirable that the agitation of this subject should be finally arrested for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6. Vol. III, 215.  
 (2) Ibid., 469.





the following resolution,

Resolved That all petitions, memorials, resolutions, propositions, or papers, relating, in any way, or to any extent whatsoever, to the subject of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action shall be had thereon."

Mr.Pinckney had been instructed to move that 5000 extra copies of the report be printed.

The opposition was led by Mr.Wise. He saw everything in the report to arouse feelings against it, even more than against the petitions themselves. If Southern gentlemen adopted this report to sustain their principles they would be greatly mistaken.It was neither a defense of Southern interests nor an expression of Southern feeling.

Mr.Thompson, of South Carolina, spoke in the same strain. Mr.Howard, of Maryland, was for printing the report in order to let people see it. He did not think that it surrendered the question of constitutional power. Mr.Patton also was for printing to see what the committee had done, though he did not concur in the report. Mr.Robertson ,of Virginia, was in favor of recommitting with instructions to the committee to report that Congress did not possess the constitutional power to abolish slavery in the District or in the Territories.

The debate was soon closed by the arrival of the end of the hour.

Mr.Bynum, of North Carolina, said the opposition to the report was just what he had anticipated., but he was surprised that it was directed against the motion to print. He was not prepared to



sanction all that was in it, but was willing to consider it. It did not, however, surrender anything to the abolitionists. He was aware that it would not satisfy some gentlemen from the South, but was of the opinion that nothing else would satisfy those gentlemen any way.

Mr. Pinskney said that he had examined all the memorials carefully; the whole number presented during this session was 176, coming from 10 states which embraced an aggregate population of nearly 8,000,000. The entire number of signatures was 34,000, and of these over two fifths were females. He thought that the people ought to know these facts in order to see the immense disproportion of this number to the whole population. The sentiment of the non-slave-holding states had never been healthier than it was at this time. The people were alive to the dangers of the question, and were generously fighting the battle of the South. He himself had always deprecated agitation in Congress, and hoped that the matter would soon be disposed of.

He was in favor of the amendment of Mr. Robertson, as his view had always been that Congress had no constitutional authority to abolish slavery in the District. This report did not yield the question of constitutional power. But a resolution denying such power would be rejected, and on the question of reception of petitions the South would be beaten here as it already had been in the Senate. That was why he had avoided pressing the question at this time. Furthermore the South itself was divided upon this question, as the vote in the Senate had shown. The House should not be forced to take ground against the South and favorable to the fanatics. Everything was now going as she should wish, and the abstract question ought not to be urged. His only object was to get the document





printed, and if he had misrepresented the South it would soon be proved.

The usual number was ordered printed.

(1) The resolutions were then taken up on the twenty-fourth of May. Mr. Robertson went at length into the views of the North upon the subject of constitutional power, taking up the whole of the hour devoted to the report.

(2)

Next day, after brief debate, Mr. Robertson's amendment was cut off by a call for the previous question, and the first part of the resolution, declaring that Congress had no power over slavery in the states, carried, 182 to 9, those opposed being Adams, Clark, Denny, and Potts, of Pennsylvania, Everett, Slade, and Janes, of Vermont, and Jackson and Phillips, of Massachusetts. Glascock, Robertson, Pickens, Thompson, and Wise refused to vote.

The hour for orders of the day then arrived.

(3)

Next day the second part of the resolution, declaring that Congress ought not to interfere with slavery in the District, carried, 132 to 45, and the remainder, the gag, 117 to 68. Mr. Wise refused to vote on any of the sections. The opposition to the second section was as follows; Massachusetts 11, Pennsylvania 10, New York 7, Ohio 6, Vermont 5, Indiana 3, Maine 1, New Jersey 1, and Rhode Island 1. On the other hand, the Northern votes cast in favor were; New York 27, Pennsylvania 14, New Hampshire 4, Indiana 2, Illinois 3, Ohio 10, New Jersey 3, Maine 3, Connecticut 5, and Rhode Island 1, a total of 72.

(1) Cong. Globe, XXIV Cong., 1 session, 1835-6. Vol. III, 494-5.

(2) Ibid., 498-9.

(3) Ibid., 505.



On the "Gag" the vote was 117 to 68, and the opposition distributed as follows; Pennsylvania 13, Ohio 11, Massachusetts 11, New York 9, Vermont 5, Virginia 4, Indiana 3, New Jersey 3, Rhode Island 2, Connecticut 2, Georgia 2, Maryland 1, Maine 1, South Carolina 1. These Southern votes included Patton, Robertson, Glascock, and Pickens, who opposed the resolution because it did not include a denial of the constitutional power of Congress to interfere with slavery in the District. On the other hand, 57 Northern Representatives, from eight states, voted in favor of the resolution. There were from New York 27, from Pennsylvania 10, from Ohio 7, from New Hampshire 4, from Indiana 2, from Illinois 3, from New Jersey 1, and from Connecticut 3.<sup>(1)</sup>

The resolution in the main confined itself to the question of expediency, avoiding mention of right. Agitation in Congress was to be suppressed because it was undesirable; Congress ought not interfere with slavery in the District because it would be a breach of public faith. The petitions were to be received and tabled. Not unless the assumption was that the right included reference could it be claimed that the resolution was incompatible with it.

This resolution had the effect of cutting off further debate in Congress during this session, but it is not to be supposed that it could materially affect the agitation carried on in the nation at large. The abolitionists continued their activities, there was the same anxiety at the South, the same repudiation of these activities at the North. Let two illustrations suffice to show that in the greater part of the North public sentiment was still what

(1) For vote on the resolution by states see Apx.





the South would call "sound". On the eighteenth of July in the city of Cincinnati there was a mob attack made upon the printing office of James G. Birney, who was conducting an abolitionist paper there. A meeting was then held at which resolutions demanding that the paper be suppressed were passed and transmitted to the abolition committee in the city. On the twenty-ninth the committee definitely refused to comply. Those who had until now been the leaders in the movement advised that there be no violence, but their words were no longer heeded. On the next day the printing office was again attacked, the presses demolished, and the establishment completely wrecked. Birney himself saved his life only by fleeing from the city. (1)

Another outbreak of the anti-abolitionist feeling, which was especially strong in the border states, led to the so-called "Martyrdom of Lovejoy" at Alton, Illinois, in 1837. Previous to that year Mr. Lovejoy had attempted to conduct an abolitionist paper in St. Louis, but without success. He then removed to Alton and had presses transported there. The people assembled and threw them into the river. On the next day there was held a meeting at which Mr. Lovejoy spoke, pledging himself, as the people understood, that he would refrain from touching the subject of abolition, and with this understanding he was allowed to establish his paper without opposition. For sometime it was conducted merely as a religious journal, but gradually it began to preach the doctrines of abolition, growing more and more bitter against the opponents of those doctrines, among whom were the majority of the inhabitants of Alton. The result was that a mob again assembled, and again his presses went into the river.

(1) Niles Reg., II, 397-8.



A few of the more violent of the abolitionists decided that the paper should be reestablished, and a convention preparatory to this action was held in Upper Alton, beginning October 26, 1837. An address was delivered by Mr. Beecher, president of Illinois College, an abolition society formed, and the abolitionists armed themselves for the struggle which all parties now confidently expected. Already the mob had met boats suspected of having the presses on board. They arrived a few days later and were conveyed by the armed band to a stone warehouse where the abolitionists assembled to protect them. That night the place was attacked by the mob, and a fatal encounter followed. Two men, one of them being Mr. Lovejoy, were killed, and another wounded. At the death of their leader the abolitionists surrendered their presses, seeing that a refusal would almost certainly mean their own destruction. These presses were then thrown into the Mississippi, and the mob dispersed. The leaders in the affair were afterwards indicted but all acquitted. <sup>(1)</sup>

Early in the session of Congress which began in December 1836, on the nineteenth, Mr. Davis, of Indiana, introduced into the House this resolution, which was laid upon the table without debate; <sup>(2)</sup>  
 "Resolved That all petitions, memorials, remonstrances, or other papers, which may be offered during the present session, in any manner relating to the abolition of slavery or the slave trade, in the District of Columbia, or any of the Territories, shall, on presentation, be laid upon the table, without reading, without being ordered to be printed, and without debate."

The first abolition petitions of the session were presented on the twenty-sixth, by Mr. Adams, who moved their reference <sup>(3)</sup>

(1) Ford History of Illinois, 234-245.

(2) Cong. Globe, XXIV Cong., 2 session, 1836-7. Vol. IV, 32. (3) Ibid., 51-2.





to the Committee on the District of Columbia. Mr. Pickens asked for a decision of the Chair in regard to the resolution adopted last session, and, it being the Chair's opinion that the resolution expired with the session, objected to the reference. Mr. Parks, of Maine, moved to table the question, which was done, 116 to 36.

Mr. Davis then moved to suspend the rules to enable him to offer his resolution, but the motion failed.

(1)

Two weeks later Mr. Adams presented a petition praying for abolition in the District, the reception of which was objected to by Mr. Glascock. Mr. Adams hoped that the petition would be treated with respect and received. Mr. Glascock replied that he did not object to the petitioners but to their prayer. The memorial should not be introduced when no possible good could result and much evil was apprehended. He objected merely to have an opportunity to record upon the journals the votes of those opposed to the reception of these petitions.

A motion to table the question carried by a vote of 130 to 60.

Mr. Adams then presented another petition, which the House voted to receive, 137 to 75. The petition was, however, tabled by a vote of 151 to 50. The reception of still another was objected to, when the House adjourned. The vote merely shows that while the members were ready to table the petitions as a matter of expediency, they were not yet ready to deny them reception.

On the next day Mr. Davis again moved to suspend the rules to offer his resolution, but the attempt again failed. Other peti-

(1) Cong. Globe, XXIV Cong., 2 session, 1836-7. Vol. IV, 79.



tions being presented from day to day the House followed the practice of laying the question upon the table with practically no debate.

On the eighteenth of January Mr. Hawes, of Kentucky, presented a resolution providing that memorials etc. relating in any way to slavery, or to the abolition of slavery, be tabled without further action. This resolution was carried with but very little debate by a vote of 129 to 69. The opposition was as follows; Massachusetts 11, Vermont 5, Maine 2, Ohio 8, Virginia 9, Pennsylvania 11, South Carolina 5, New Jersey 3, New York 7, North Carolina 3, Connecticut 2, Alabama 1, Indiana 1, Delaware 1, and Rhode Island 1, 18 being from the South. At the same time 71 Northern votes were cast in favor of the resolution viz; New York 28, New Hampshire 5, Pennsylvania 10, Indiana 4, Ohio 12, Illinois 3, Maine 5, New Jersey 3, and Connecticut 1. Its provisions and effect were about the same as the Pinckney Resolution.

(1)

On the twenty-third and again on the thirtieth of January Mr. Adams appealed from the decision of the Chair in regard to whether his petitions came under the provisions of the resolution. Each time, however, the Chair was sustained by the House.

But this resolution was by no means so successful in keeping agitation from the House as its predecessor had been, and under it there was to occur the most heated discussion the House had yet experienced. On the sixth of February, after presenting several anti-slavery petitions, Mr. Adams said that he had in his possession a paper upon which he wished a decision of the Chair. It came from 20

(1) Cong. Globe, XXIV Cong., 2 session, 1836-7. Vol. IV, 118-19.

(2) Ibid., 164 ff.





persons declaring themselves to be slaves, and he wished to know if the Speaker would consider the prayer as coming under the rule of the House.

The Speaker could not tell without knowing its contents, so Adams offered to send it to the Chair. Lawler objected, Haynes moved that it be not received and then withdrew his motion. By this time the whole House was aroused and in intense excitement. In the confusion and uproar Mr. Thompson managed to secure the floor to offer this resolution;

"Resolved That the Honorable John Quincy Adams, by the attempt just made by him to introduce a petition, purporting on its face to be from slaves, has been guilty of a gross disrespect to this House, and that he instantly be brought to the bar to receive the severe censure of the Speaker."

A substitute by Mr. Lewis, accepted by Mr. Thompson, brought from Mr. Adams the explanation that he had not attempted to present the petition. He had merely asked the Speaker whether it was included within the general order of the House. Nor was it a petition for abolition, but for the very reverse of abolition.

After some further debate Mr. Thompson submitted this modification;

"Resolved That the Honorable John Quincy Adams by an effort to present a petition from slaves has committed a gross contempt of this House.

Resolved That the member from Massachusetts above named, by creating the impression, and leaving the House under such impression, that said petition was for the abolition of slavery, when he knew it was not, has trifled with the House.



Resolved That the Honorable John Quincy Adams receive the censure of this H<sup>o</sup>use for his conduct referred to in the preceding resolutions."

Debate was then continued until adjournment by Messrs Pickens, Lewis, Glascock, Pinckney, Wise, and others.

Mr. Pinckney thought that now, more than ever, no Southern delegate should have said a word. The decision of the question should have been left to the representatives of the non-slaveholding states. The petition was probably only a hoax, but Mr. Adams' conduct was reprehensible and deserving of censure. If the petition was genuine it was an indignity to the House to have offered to pre-empt it; if it was a hoax it was adding insult to injury, first by producing a scene of unparalleled excitement in the House, and then by turning it into ridicule. It was an ingenious device of the gentleman to manifest his contempt for the order of the House.

But Mr. Pinckney had arisen to refute allegations which had been brought against that order. A gentleman from New York (Mr. Granger) had attributed to it this excitement and confusion. The object of his (Mr. Pinckney's) resolution had been to allay excitement, to repress fanaticism, to restore harmony, and to strengthen the Union. That object had been attained to the satisfaction of both North and South. Abolition meetings were fewer, and Northern legislatures had assisted in repressing them. The spirit of the people everywhere was against abolition. There were decidedly fewer petitions this session, and with but two or three exceptions all signed by women and children.

The resolution was in no way responsible for the introduction of this slave petition. It was supposed to meet only peti-





tions which could be regularly submitted to and received by Congress. That petition did not and never would come within the order of the House.

If the question of reception was the true issue, as the Southern extremists urged, then the battle had been fought and won by abolitionists in both Senate and House. As soon as the Chair had decided his resolution to have expired with the session which had adopted it, and the question of reception had been decided, the petitions had begun to pour in again. Such were the results of the true issue.

His resolution had been adopted by an overwhelming majority not only of the House, but also of the Representatives from the slave states, so if all who voted for it were disloyal to the South, as had been charged, she might indeed be considered as having surrendered to the enemy.

Mr. Adams, on the next day, after having summarized his actions, proceeded in reply to the arguments directed against them. Although he would always use discretion in presenting petitions to the House, the mere circumstance of one's being from slaves would not prevent him from presenting it; and if he should have incurred the censure of the House for so doing he was ready to receive it. A petition was a prayer, a supplication to a superior being, and it ought not be denied to the lowest of beings. He had not, however, presented this petition, and was yet waiting for the Speaker's decision regarding it. That decision he had asked from the respect he always paid to the rules of the H<sup>o</sup>use.

Mr. Dromgoole, of Virginia, then presented a modification which was accepted by Mr. Thompson;



"Resolved That the Honorable John Quincy Adams, a member of this House, by stating in his place that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, ( as preliminary to its presentation) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ; and that for the same he deserves the censure of this House.

Resolved That the aforesaid John Quincy Adams receive a censure from the Speaker in the presence of the House of Representatives."

Mr.Lincoln, of Massachusetts, then spoke in defense of Mr. Adams. He denied that the latter had committed any offense. His language was confined to an inquiry in which no doctrine was denied, and the rights of slave owners in no respect involved. There was no intention of infringing upon the rules of the House. After refutation of the personal charges against Mr.Adams, Mr.Lincoln declared that the petitions presented by Northerners were not of the offensive character attributed to them by the Southern Representatives. They were appropriate to the object they aimed to accomplish, and had they been given the respectful attention they deserved there would have been fewer of them. The signers would be the last people on earth to excite violence, but were acting under honest convictions of duty. He differed with them as to policy but respected their motives.

Mr.Robertson said that he could not vote for Mr.Dromgoole's resolution. He could not obey the summons of the Southern members without overleaping the barriers of the Constitution and violating that liberty of speech guaranteed to every member of Cong-





ress. Censure was a heavy punishment, and the grounds were insufficient. He condemned the conduct of Mr. Adams, he did not hold him guiltless of enlarging upon the irritating topic of abolition, he did not believe that Mr. Adams had convinced any one of the propriety of his course. Yet it did not follow that what he had done could be made the ground of a penal proceeding.

Mr. Adams had cleared himself of any supposed contempt. How could he be censured for making an inquiry which the Speaker himself had thought too doubtful to answer and had referred to the House? The idea of censuring him for giving color to an idea that slaves may petition was equally absurd. "No member can be challenged here or elsewhere for the assertion of any principle or sentiment, however preposterous, unconstitutional, or monstrous, so long as he keeps within the limits prescribed by rules for the preservation of order."

The right of petition itself had limits, and ought to be restricted to constitutional objects, of which abolition was not one. That was why he had voted against the resolution of January eighteenth. He was not willing to give abolition memorials admission. Northern men had but a faint conception of the danger of these assaults upon the South. These efforts were endangering the Union, and for this reason he would "never give entrance to any petition that should bring the institutions of the South into question before a tribunal having no power to judge them."

Soon after this speech Mr. Patton introduced these resolutions in an attempt to settle the affair;

"Resolved That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slave-holding states, and endangering the integrity of the Union.



Resolved That every member who shall hereafter present any such petition to this House ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

Resolved That the Honorable John Quincy Adams having solemnly disclaimed a design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the right of petition purporting to be from slaves, and having avowed his intention not to offer to present this petition, if the House was of the opinion that it ought not to be presented- therefore all further proceedings as to his conduct now cease."

The introduction of these resolutions was immediately followed by adjournment.

(1)

Mr. Thompson, on the seventh, said that he had introduced his resolution of the day before from a sense of duty, and it was not his fault that that resolution was now being deserted. "Gentlemen who yesterday reproved my flagging zeal and urged a resolution for the expulsion of the gentleman from Massachusetts to-day find my resolution too strong by half." He wanted a declaration that Mr. Adams' attempt was "unauthorized by the Constitution, a disrespect to the House, and a violation of the rights and feelings of a portion of its members." Slaves had no right to petition; they were property and not persons under the Constitution. There was no use to argue that point.

Abolition in the District was a first decisive step to abolition in the states. The abolitionists were exciting slaves to





revolt from a condition which was a blessing to them. Nowhere was the African " so elevated in the scale of being or in the enjoyment of so much comfort, so virtuous, enlightened, or happy as those who are slaves in this country." Slavery was essential to the maintenance of liberty. He then went at length into the devotion of the South to the government and the cause during the Revolution in contrast with New England, and into the responsibility of the North for Southern slavery.

(1)

On the ninth of February Mr. Adams began his defense. The only question really before the House was the one he had asked of the Speaker, and that question he was anxious to have settled. The House had been occupied for four days by the attempts of gentlemen to censure him for what he did not try to do. He did not present the paper. He wanted it submitted, but did not dream that it would arouse the discussion that had resulted. Only one man had tried to advance an argument against the reception of petitions from slaves. The paper that he had came from slaves. Was it therefore excluded by the order? There was nothing in the order excluding petitions from slaves. There was not a word in the Constitution excluding petitions from slaves. The framers of the Constitution would have repudiated the idea that they were giving to the people the right of petition. That right God gave to the whole human race when He made them men. If an attempt was made to fix a limit to it the foundations were laid for restrictions to any extent that the madness of party spirit might carry it. The next question to be discussed would be the character instead of the claims of the petitioners, then their political faith.

(1) Cong. Globe., Appx. to Vol. IV, 260.



The want of power did not impair the right of the petitioner to pray. The question of power applied to the authority to grant, not to the right to present the petition. The power to grant was often much mooted; it was in regard to the abolition of slavery in the District of Columbia. This argument would exclude all petitions of the minority in Congress.

He then reviewed the resolutions of censure and said that more attention ought to be paid to facts. He made a most vigorous attack upon Mr. Thompson for what that gentleman had said in regard to grand juries, making it very apparent to him that he was not supported in his position by any one. He objected to the first resolution because it did not answer his question, to the second because it was almost a threat, and to the third because it misrepresented him. He denied that he had trifled with the House; he was never more serious. But he disclaimed nothing that he had said or done.

In conclusion he declared that not he but his opponents had consumed the valuable time of the House, by objecting to the reception of his petitions, not he but they were responsible for this discussion.

Here the controversy ended, and all three resolutions were rejected by large majorities.

Two days later, after considerable one-sided debate, a resolution was adopted, by a vote of 162 to 18, declaring that "slaves do not possess the right of petition secured to the people of the United States by the Constitution", and the incident was closed.

Within a month from the time of the enactment of these exciting scenes in the House of Representatives there passed from power probably the most remarkable as well as the most autocratic of





the rulers of the United States. Representing as closely as he did the sentiment of the people, though to a certain degree himself the creator of that sentiment, perhaps we may be able to gather some sort of an idea of the popular opinion of the nation from the farewell address of President Jackson. He declared that there had been made, and were being made, systematic efforts to sow seeds of discord, to base party lines upon geographical distinctions, to excite the South against the North and the North against the South. These agitators were deceiving themselves- they were sowing the wind and would reap the whirlwind. A breach between sections could never be repaired, and would only lead to further disintegration and further discord. To maintain the Union unimpaired the laws must be executed, and all good citizens must help in the execution. Each state must be left to control and regulate its own domestic institutions; the efforts to cast odium upon them were contrary to the spirit of the Constitution.<sup>(1)</sup>

And in the inaugural address of the political companion and successor of President Jackson, delivered on this same day, March 4, 1837, we read;

"I must go into the Presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia against the wishes of the slave-holding states, and also with a determination equally decided to resist the slightest interference with it in the states where it exists."<sup>(2)</sup>

He declared that there had been recently many scenes of dangerous excitement, but through it all the people had not swerved from

(1) Mess. & Papers of the Presidents, Vol. III, 295 ff. (2) Ibid.



their duty and would not.

At the same time agitation was still on the increase, and the anti-slavery societies were steadily growing and enlarging their scope. By the twentieth of May 1837 there had been organized 483 new societies during the year, making a total of 1006, \$37,000 had been taken in, and 669,000 publications issued. 70 agents were actively engaged in furthering the cause. According to a letter written by Adams in 1838 the number of petitioners in the session just closed had been over 100,000 as opposed to 23,000 of the session previous.

And this deluge was increased threefold at the beginning of the next session. The resolution was again held to have expired  
(1)  
with the session, and the method of tabling the petitions themselves, or the question of reception when that was raised, was employed. There was comparatively no friction until the twentieth of December, when Mr. Slade, of Vermont, obtained the floor on a motion to refer two of these memorials to a select committee. He began by deploring the injustice practiced toward the presenters of abolition petitions, and expressed his belief that the movements of the opposition had been preconcerted.

Mr. Wise and Mr. Dawson, of Virginia, denied the charge.

Mr. Slade then moved to refer his petitions to a select committee with instructions to report a bill providing for the abolition of slavery in the District of Columbia.

Mr. Legare, of South Carolina, seeing the trend of the speech, warned Mr. Slade to consider well what he was doing before he ventured further.

(1- Cong. Globe, 25 Cong., 2 session, 1837-8. Vol. VI, 19 ff.





Mr. Slade continued, and was reading a paper relative to slavery when Mr. Wise interrupted him. He declared that the speaker had been discussing slavery in the South, slavery in the state of Virginia, and slavery in his district; he therefore asked his colleagues to retire with him from the floor. Mr. Holsey and Mr. Grantland, both of Georgia, did the same, and Mr. Rhett, of South Carolina, said that the delegation from that state had already signed an agreement. Intense confusion followed. Mr. Slade was declared out of order and directed by the Speaker to take his seat. A motion to adjourn carried by a vote of 106 to 63, but not before Mr. Campbell, of South Carolina, had announced a meeting of the Representatives from slave states to be held immediately.

(1)

On the next day Mr. Patton, of Virginia, moved a suspension of the rules, which carried 135 to 60, to move this resolution;

"Resolved That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District, or Territory, of the United States, be laid upon the table, without being debated, printed, read, or referred, and that no further action whatever shall be had thereon."

Mr. Patton then said that he had offered this resolution in the spirit of peace and harmony, making concessions to that end. It was offered in the hope that it might allay, not exasperate excitement; it was desired to extinguish, not to kindle a flame in the country. He therefore moved the previous question, which was ordered, 129 to 62, and the resolution passed, 122 to 74.

This time the resolution was supported by every Southern vote but one, from Virginia, and by 51 Northern ones viz; Maine 4,



New Hampshire 4, New York 20, Pennsylvania 14, Connecticut 2, Ohio 2, Indiana 2, and Illinois 3. In provisions it was practically the same as the two proceeding ones. The concessions, spoken of by Mr. Patton, were probably the omission of a denial of the power of Congress to interfere with slavery in the District, and the implied grant of reception to petitions praying for what the South considered as unconstitutional action.

During the presentation of petitions a week later Mr. Adams took occasion to say that he intended to move to rescind the rule, which he denounced as unconstitutional and oppressive. Efforts to rescind were of no avail, however, and there was practically no debate during the remainder of the session, though the petitioners numbered 300,000.

There were no new developments during the interim in the nation, so when the Congress of the next year met the situation was practically the same. Accordingly, on the sixth day of the session,<sup>(1)</sup> December 11, 1838, before any abolition petitions had been presented, Mr. Atherton, of New Hampshire, asked leave to submit these resolutions;

"Resolved That this Government is a Government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several states of the Confederacy.

Resolved That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one state to another, are part of a plan of operations set on foot to affect the institution of

(1) Cong. Globe, 25 Cong., 3 session, 1838-9. Vol. VII, 21.





slavery in the several states, and thus indirectly to destroy that institution within their limits.

Resolved That Congress has no right to do indirectly what it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or in the Territories, as a means, and with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the Confederacy.

Resolved That the Constitution rests upon the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another with a view of abolishing the one and promoting the other.

Resolved, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia, or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principle upon which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching, or relating in any way, or to any extent whatever, to slavery as aforesaid, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred."

A suspension of the rules was granted, and Mr. Atherton spoke in order to "explain the purport of the resolutions", which was,



speaking generally, to check agitation. Mr. Atherton closed by demanding the previous question, which was seconded by a vote of 103 to 102. A motion to adjourn followed but was defeated, and the main question ordered, 114 to 107. Another adjournment defeated, 113 to 108, and the first resolution was adopted, 198 to 6. The six radicals opposing were Adams, Evans, of Maine, Everett and Slade, of Vermont, Potts, of Pennsylvania, and Russell, of New York. Adjournment followed the vote.

On the next day the resolutions were divided and carried by varying votes, the vote on the last half of the last resolution, the gag, being 126 to 78. Five Southern votes opposed its adoption; Virginia 1, Alabama 1, Mississippi 1, and Tennessee 2. On the other hand, 55 Northern votes were recorded in its favor viz; Connecticut 3, Maine 3, New York 21, New Hampshire 3, Pennsylvania 13, Illinois 3, Ohio 7, Massachusetts 1, and Michigan 1.

From all appearances this resolution was, still more than those which had preceded it, a party measure. According to Mr. Rives, of Virginia, it was a test, and received the sanction of the entire Republican party from the slave-holding states. None of those who refused to vote upon it were Republicans, and of the Northern votes (1) in favor not one was a Whig.

Again, these resolutions were submitted on the eleventh of December, 1838. On the fourteenth, or three days later, there appeared in the Charleston Mercury a similar set. (2) These, the Mercury said, were adopted at a meeting of the Republican members of Congress held December eighth. They were to have been presented on the next

(1) Letter in Niles Reg., LV, 312.

(2) Ibid., 291.





Monday by Mr. Atherton, but the matter was deferred. It was very much to be hoped that the adoption would not be put off. It would be a step on firm ground for confidence between the North and the South, "at a time when abolition had just been adopted as one of the leading features of a great political party." "If they are not carried it will go far in the South to destroy all confidence in any set of men who suffer treachery, cowardice, or irresolution, to sway them from their duty to their country."

(1)

Two days later Mr. Adams asked for a suspension of the rules in order to be able to submit this resolution;

"Resolved That the powers of Congress being conferred by the Constitution of the United States, no resolution of this House can add to or detract from them."

but the House refused to suspend. Mr. Wise also asked a suspension to offer a resolution declaring that Congress could not abolish slavery in the District or in the Territories; could not abolish the slave trade; could not receive petitions whose prayer it had no power to grant; or could not impose the condition of abolition on the entrance of states into the Union; that Congress was the sole judge of the manner in which fugitive slaves were to be apprehended; and that the citizens of slave-holding states had the right to pass through or sojourn temporarily in a non-slaveholding state without their slaves becoming ipse facto free. Mr. Wise believed these sentiments to be those of the entire South. The House refused to suspend the rules, and the same fate was met by resolutions of Mr. Slade, and of Mr. Calhoun, of Kentucky, on the subject of slavery. Of the refusal to

(1) Cong. Globe, 25 Cong., 3 session, 1838-9. Vol. VII, 31.



suspend Mr. Adams says, in his diary, that it indicated " the rallying of the whole South to the Van Buren standard, the close adhesion to it of the Northern and Western serviles, and the total want of settled principle in the Northern and Western opposition Whigs. (1)

A few days later Mr. Wise objected to the reception of a petition, and raised the point of order whether Mr. Atherton's fifth resolution recognized the reception of petitions. If the House decided that it did, he said, then the abolitionists had triumphed, for if the House could receive it could also refer and report. The Chair decided that the question of order could not be raised at this time, and Mr. Wise appealed from the decision. Mr. Pickens sustained the appeal, maintaining that these resolutions differed from those preceding in leaving the question of reception in abeyance. Mr. Glascock and Mr. Craig agreed, but the Chair was sustained, 185 to 6. (2)

According to the Globe, this incident occurred during the vote; (3)

" Mr. Adams, when his name was called, said; I refuse to answer, considering all the resolutions-

The Speaker called Mr. A. to order.

Mr. Adams, Considering all the resolutions as unconstitutional-

The Speaker again interposed and requested the gentleman from Massachusetts to take his seat.

Mr. Adams, A violation of the Constitution of the United States.

These words were thrown out by Mr. A. amidst much tumult, and very loud cries for 'order', in the course of which The Speaker called upon the House to aid him. Something like silence having been restored, Mr. Thompson desired to know what aid the Speaker wished? and Mr. Adams having in the interim resumed his seat, The Speaker re-





plied-none at all-."

This is but one instance of the confusion and tumult which characterized the proceedings on such occasions. It is small wonder that the Southern members were kept continually at their wits ends in vain attempts to silence their indomitable opponent.

(4)

A short time afterward, December 17, Mr. Adams presented a petition for opening negotiations with Hayti. Mr. Wise objected to its reception, and the yeas and nays were ordered, Mr. Wise insisting that it was a "part and parcel of abolition". A motion to table was defeated, however, and the petition referred to the Committee on Foreign Affairs.

(5)

A month later Mr. Adams succeeded in getting his resolution in regard to the constitutional powers of Congress agreed to.

(6)

Some time after this Mr. Adams asked permission of the House to state his reasons for the course he had taken in presenting abolition petitions. He asked this courtesy because he had received many letters threatening him with assassination, and wanted his position understood by the country. He had earnestly advocated the right of persons to petition for the abolition of slavery in the District of Columbia, but he was not himself ready to grant their prayer. On the contrary, if the question were presented now he should oppose it. He had seen no reason to change his opinion, though he had read all that had been written and published on this subject by the abolitionists themselves.

There was little done by the House in regard to these petitions during the remainder of the session. February fourth the

(1) Memoirs, X, 63. (2) Cong. Globe, 25 Cong. 2 session, 1838-9. Vol. VII, 32  
 (3) Ibid., 33. (4) Ibid., 39. (5) Ibid., 116. (6) Ibid., 130.



(1)

Speaker's decision was appealed from, but the appeal tabled. On the twelfth Mr. Moore, of New York, presented a petition from the District itself asking Congress not to receive petitions for abolition in the District. On the twenty-fifth Mr. Adams moved a resolution to amend the Constitution in three respects; to abolish hereditary slavery after 1842, to admit no new slave state, and to abolish slavery and the slave trade in the District by July 4, 1845.

#### CHAPTER IV.

##### GROWTH OF OPPOSITION AND DEFEAT OF THE RESOLUTIONS.

Public opinion at the North in regard to these questions was now rapidly changing. In the session of 1835-6 there had been presented 176 petitions with 34,000 signatures, in the next session the number of signatures had risen to 110,000, and in 1837-8 it was 300,000. In 1836 the legislature of Massachusetts had passed resolutions condemning the Anti-Slavery Society. A year later this same legislature passed resolutions against the gags, and in favor of the abolition of slavery in the District. The Vermont legislature did the same. Only in the West was there a strong sentiment favorable to the action of the South manifest. In 1838 the Whig convention of Ohio censured Morris for offering his anti-slavery resolutions in Congress, and the Democrats put him aside for Tappan. In the same line, in 1839, resolutions containing these declarations were passed by the Ohio legislature;

Congress has no jurisdiction over slavery in the states.

Agitation against slavery is productive of no good results.

Abolitionism tends to disrupt the Union.

Any attempt by Congress to interfere with slavery in the





(5)

District would be unconstitutional.

At the same time what had been predicted by Calhoun and anticipated fearfully by the South was now to occur. In 1839 a meeting of abolitionists at Albany resolved that in the future they would support only men of their own principles for office. On the ninth of November of the same year a convention at Warsaw, Pennsylvania, issued a call for an abolition party. Within a month there was held a national convention at Warsaw, New York, which nominated Birney, of New York, and Lemoyne, of Pennsylvania, for president and vice-president. Both candidates resigned, but another convention, held at Albany in the spring of 1840, put Birney and Earle into the field.

(11)

At the beginning of Congress in December 1839 Mr. Wise asked for a suspension of the rules to enable him to submit this resolution;

"Resolved That upon the presentation of any memorial, or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the reception of such memorial, petition, resolution, or paper shall be considered as objected to, and the question of reception shall be laid upon the table without further debate or action thereon."

The adoption of this resolution would be a step further in the direction of denying reception to the petitions, though not exactly doing so. The House refused to suspend the rules, and other

- (1) Cong. Globe, 25 Cong., 3 session, 1838-9. Vol. VII, 159.  
 (2) Ibid., Appx., 237. (3) Ibid., 205. (4) Von Holst-Hist., II, 284ff.  
 (5) Lib. and Free Soil Parties, 22. (6) Niles Reg., LVI, 401.  
 (7) Ibid., LVII, 224. (8) Ibid., 246. (9) Ibid., 320. (10) Ibid., LVIII, 96. (11) Cong. Globe, 26 Cong., 11 session, 1839-40. Vol. VIII.



resolutions introduced by Mr. Garland, of Louisiana, fared no better. The same thing happened to Mr. Wise's resolutions, and to those submitted by Mr. Coles, of Virginia, and Mr. Chinn, of Louisiana, next day. No petitions were presented, however, until January 13, when the question was raised by Mr. Dromgoole, and tabled by a vote of 131 to 68. (1)

(2)  
A week later a resolution similar to that offered by Mr. Wise was presented by Mr. Thompson, but again the House refused to suspend the rules, the vote being 128 to 77. Next day Mr. Coles presented a resolution which was tabled. Mr. Thompson again submitted his and moved the previous question, but withdrew it at the request of Mr. Monroe, of New York, who moved a resolution referring the petitions to a select committee instructed to report. After some debate the House adjourned, and the resolution of Mr. Thompson was taken up from day to day.

Mr. Garland, of Virginia, said that as long as the slave states thought proper to maintain the existence of slavery among them he would defend it to the utmost. The question involved was whether the people had created an entire despotism over the District of Columbia, whether its inhabitants were mere slaves and had no rights. Their rights would be annihilated if the principles advocated on the floor were to obtain. Congress had no more right to interfere with the slave trade in the District than in Maryland or Virginia. It rested entirely with the states and with the people of the District to make the first movement toward emancipation.

Mr. Butler, of South Carolina, declared that the Pinckney Resolution had no more put an end to the abolition petitions than

(1) Cong. Globe, 26 Cong., 1 session, 1839-40. Vol. VIII, 119.

(2) Ibid., 121.





the reference of 1780, and that such measures never would. The true issue presented on the floor was that of union or disunion. That issue was now before the House and before the country. The moment Congress abolished slavery in the District of Columbia the states interested would look upon it as a direct attack upon themselves and would act accordingly. Things must continue to exist at the South as they then did or no white woman or man could live there. The South asked for no favors, all that it asked was to be permitted to direct its own institutions without molestation.

Mr. Adams maintained that by Mr. Thompson's proposition it would be impossible to know what petitions to receive or what to reject. The question of slavery would necessarily come up on other propositions than on the abolition petitions, for instance on the subject of Hayti. The Southern gentlemen who introduced these gag resolutions were responsible for the delay of business and this discussion. The proposition of last year authorized the reception of abolition petitions; this one went much further. It proposed to make it a permanent rule of the House to operate for two sessions, in effect that the petitions should not be received. The method was a small one, unbecoming the characters of the movers. The great danger of adopting the rule lay in the recognition of the principle that Congress had the power to limit the right of petition.

Mr. Bynum, of North Carolina, thought that this was the most momentous question that ever agitated the country. The Northern Representatives were encouraging the introduction of incendiary papers calculated to operate with peculiar mischief in a certain quarter, their speeches were calculated to produce the same result. The right of petition had no connection with abolition petitions;



was slavery in the Southern states a grievance of the North? The only liberty in this country was constitutional liberty.

Mr. Adams offered a substitute for the resolution of Mr. Thompson, which was in turn amended by Mr. Johnson, of Maryland, on the twenty-eighth of January to read as follows;

"Resolved That no petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States, be received by this House, or entertained in any way whatever."

This amendment was carried, 114 to 108, and the resolution as amended. Seven Southern votes were cast against it; Kentucky 2, Tennessee 2, Virginia 2, and Georgia 1. On the other hand there were but 28 supporters from the North; New Hampshire 4, Indiana 2, Pennsylvania 6, New York 7, Ohio 6, Maine 2, and Illinois 1. This decided falling off at the North was due both to a change in sentiment there, and to the difference between this resolution and the previous ones. It was commended by Calhoun, in a letter to J.E. Calhoun on the first of February, 1840, in high terms. Mr. Calhoun said that the House had refused to receive abolition petitions, the strongest measure yet taken and one which would be productive of good consequences. Every Whig out of the slave states but one voted against it, but four in the slave states and a sufficient number of Republicans out of them voted for it to make a majority. Mr. Calhoun said that the Senate was not now troubled with these petitions, but if it were he believed that a similar <sup>(1)</sup> vote could be secured.

(1) Calhoun Letters.





In the nation the agitation was being continued throughout the presidential campaign. At a meeting in Ohio Mr. Harrison, on August 20, 1840, asserted that the right of discussion was undoubtedly guaranteed by the Constitution, but that the discussion of the right of slave-holders to possess their slaves was just as certainly (1) contrary to the spirit of the Constitution.

In this same campaign, however, the real scarcity of thorough abolitionists who were now ready to desert their former political alliances was plainly shown. Birney and Earle received but 6891 votes out of a total of about 2,400,000, distributed as follows; Pennsylvania 343, New Jersey 69, Ohio 952, Michigan 294, New York 2799, Maine 194, Massachusetts 1618, Illinois 87, Vermont 319, Connecticut 174, and Rhode Island 42. But their actual numerical strength by no means corresponded to the general spread of the agitation. So Van Buren's annual message emphasized as usual the desirability of non-interference of the government in state affairs. (3)

The more radical tendencies of the abolitionists were shown by the address of the convention held at Warsaw, New York, February 21, 1841, during the next session of Congress. It declared slave-holding to be a sin against the gospel of Christ, and called for immediate, universal, unconditional emancipation. All who did not unite against slavery were guilty, and in the charge were included the Northern churches. It was the duty of the church to eject (4) slave-holding ministers and congregations from pulpit and fellowship.

The resolution last adopted being in the form of a rule, (5) on the second day of the next session, December 8, 1840, Mr. Adams gave notice that on the next day he would move to rescind that rule.

(1) Niles Reg., LIX, 42. (2) Ibid., 320. (3) Mess. & Papers, III.  
 (4) Niles Reg., IX, 40. (5) Cong. Globe, 26 Cong., 2 session, 1840-41  
 Vol. IX, 42.



Accordingly, on the ninth, he did so, saying that he had made his motion this early in the session because he was unwilling the rule should remain in force for a single hour longer, as, in his opinion, it was a direct violation of the Constitution of the United States.

Mr. Banks, of Virginia, moved to table the motion of Mr. Adams, which was done by a vote of 82 to 58.

(1)

On the twenty-third of December Mr. Janes, of Vermont, moved to suspend the rules to be allowed to offer an anti-slavery petition. The motion was tabled, 99 to 53. Again, on the twenty-first of January, (2) there was a brief struggle over an attempt to divide one of Mr. Adams' petitions so as to exclude the part which came under the rule, which was ended by the expiration of petition hour.

We may perhaps again see a reflection of popular opinion in the inaugural address of Mr. Harrison, in 1841. It was his opinion that the exclusive jurisdiction of Congress over the District of Columbia intended only the power necessary to afford a free and safe exercise of functions assigned to the general government by the Constitution. Were the people of the district subjects? The legislation should be adapted to their peculiar needs. In regard to the general movement the attempts of one state to control the institutions of another could lead only to violence, disunion, and war.

(3)

On the thirty-first of May, 1841, in the special session of Congress called to meet after the death of the president, Mr. Wise offered this resolution;

"Resolved That the standing rules and orders of the last House of Representatives be adopted as the rules and orders of this

(1) Cong. Globe, 26 Cong., 2 session, 1840-1. Vol. IX, 51. (2) Ibid. 116.

(3) Cong. Globe, 27 Cong., 1 session, 1841. Vol. X, 4.





House, for the next ensuing ten days, and that a committee of nine members be appointed to revise the said rules and orders and to report thereon within the said ten days."

Mr. Underwood amended this to make the old rules operative not for a definite time, but until the committee had reported and the report had been adopted.

This Mr. Adams amended by adding "except the twenty-first rule, which is hereby rescinded", and the House adjourned. (The twenty-first was then the gag rule.)

Next day Mr. Adams had the floor on his amendment. He was indifferent as to any rule except the twenty-first, but to this one he did object. It was passed at a time when the majority of the House were anxious above all things not to be considered as abolitionists. It was at the time necessary to make political capital. It was most emphatically a Democratic measure- one of Northern men with Southern principles, and a Southern Whig with Northern principles had made himself their tool in carrying it out. It was the oppression of the people of the North by the South as a sectional measure.

Mr. Underwood was rather indifferent as to whether Mr. Adams' amendment was adopted or not. Probably it would be better to allow Northern gentlemen to discuss the right of petition. He was desirous to see the position which they intended to occupy laid clearly before the House. He was not afraid of it. He thought the House ought to treat anti-slavery petitions with respect and assign reasons for their rejection. The manner of treating them had caused Northern people to think that they had been insulted, which was not the case. These Northerners ought to understand that their petitions were acted upon on principle. He would rather see the adoption of the amendment than the discussion prolonged.



Mr. Wise denied Mr. Adams' charge that the twenty-first rule had been an administration measure and would therefore probably be opposed by the present administration. He declared the present administration also to be opposed to the discussion of abolition. There was no authority for any such charge. More than this, the petitions were objectionable because they were not for the grievances of the petitioners. Besides, the right of petition extended only to having the papers presented and a statement of their contents made to Congress, hence that right had not been violated by the adoption of the twenty-first rule.

Mr. W. C. Johnson, as the man who had introduced the rule, also denied the accusation of Mr. Adams. He had had no relations with the administration, and had exchanged no opinions with any member of the Van Buren party when he drafted his resolution. There was no reason for rescinding the twenty-first rule. It had created no excitement in the North; it had promoted peace and harmony. He objected to agitating again the question of the reception of abolition petitions. It would re-create excitement in Congress and in the South. Congress had met to consider weightier matters. No good and much evil could result from the repeal. The president was not in favor of it. There was no use of prolonging the discussion.

Mr. Slade thought that a discussion ought to be avoided in the present session; the rule could be settled later. It was of no importance that anti-slavery petitions be presented during the extra session. If Mr. Adams refused to withdraw his amendment Mr. Slade would move to strike out the last four words "which is hereby rescinded".





(1)

On the seventh of June, after short debate, Mr. Adams' amendment as modified by Mr. Slade was adopted, 112 to 104, and the resolution as amended, 125 to 91.

(2)

Two days later Mr. Ingersoll, of Pennsylvania, moved to reconsider. The twenty-first rule embraced a question of abolition, a question of petition, and a question of regulation. The question of abolition had been discussed for years. Then Mr. Ingersoll turned to a discussion of the slave<sup>ve</sup> trade, when he was called to order, but allowed to continue. He declared that the South ought to take a firm stand against those who were seeking to undermine its institutions.

Mr. Adams himself, said Mr. Ingersoll, had said that it was not yet time even for abolition in the District of Columbia. What then did these gentlemen wish? He had never been able to discover, for one said one thing, another said another. The only abolition he knew of was the kind that gave freedom to slaves. There were three classes of abolitionists; the enthusiasts, the impractical, and those who used the term for political purposes. The first class was to be treated with moderation, the second controlled, and the third to be guarded against.

There was no question that Congress had no right to interfere with slavery in the South. The slave trade abroad was ended. The Supreme Court had decided that Congress could not interfere with the inter-state slave trade. The number of slaves in the District had been reduced one third in the last ten years; what was the use of interfering here? Agitation therefore did no good and great harm.

(1) Cong Globe., 27 Cong., 1 session, 1841. Vol. X, 28.

(2) Ibid., 37.



It was all a conspiracy to destroy Southern institutions. The struggle over the right of petition was a subterfuge. That right was of minor importance, having been largely succeeded by instruction of Representatives.

Mr. Marshall, of Kentucky, had voted against the motion of Mr. Adams in order to postpone the question to a more convenient time, and he should vote against reconsideration in order that the House might proceed to the business of the nation. He wanted the matter postponed. He wished to know what good was to result from the discussion of abstract questions. These petitions were to be urged and urged until entire emancipation was the result. That was what Mr. Adams meant.; he thought that endless hammering might bring about this end, but Mr. Marshall could assure him that his course would have no such effect upon the South.

If petitions were presented Mr. Marshall would move their reference to a select committee with Mr. Adams at its head. He then moved the previous question, and the motion to reconsider was lost by a vote of 107 to 113.

But the men who opposed the reception of the petitions were not yet ready to surrender. On the fourteenth it was moved to reconsider the vote by which the House had adopted the resolution providing for a committee on rules. Mr. Wise said that agitation had not ceased when petitions had been received, and the abolition members had not been content with reception, they had always opposed tabling. The motion carried, 106 to 104.

(2)

On the next day, after considerable debate, the previous

(1) Cong. Globe, 27 Cong., 1 session, 1841. Vol. X, 37.

(2) Ibid., 57.





question was moved and a vote taken which resulted in the defeat of the resolution, 110 to 106. June 16, after more debate, the rules of the last House were adopted, and the committee instructed to revise and report them. The vote was 119 to 103, the affirmative including 82 Northern votes from 13 states, the negative including 50 Southern votes from 9 states. This large Northern vote may, perhaps, be explained by the fact that the Representatives thought it of greater importance to get down to the work of the brief session which had already been delayed for over two weeks. Many of them therefore voted for every proposition which they might hope to settle the question.

This closed debate during the remainder of the extra session, and until the meeting of the regular Congress in December the situation was little changed. In the fall trouble with New York caused Governor McDowell, of Virginia, in December 1841, to advise a call for a Southern convention to provide for the security of the property of the slave states. <sup>(1)</sup> Nothing further was done.

The next act in the long struggle had, as usual, Mr. Adams for the central figure. Late in January, 1842, he introduced into the House a petition asking for the dissolution of the Union. <sup>(2)</sup> The Southern members decided to attempt again to censure Mr. Adams, and a resolution for that purpose was introduced by Mr. Gilmer, of Virginia. Mr. Marshall then moved to substitute a resolution providing for expulsion from the House. He called attention to the scenes recently enacted in that body, and to the part played in them by Mr. Adams. The presentation of the petition he characterized as a sac-

(1) Niles Reg., LXI, 241. (2) Appx. to Cong. Globe, 27 Cong., 2 session, 1841-2. Vol. XI, 983.



rilege, which, coming from the quarter it did, assumed political importance. The North was bound to oppose the memorial as strenuously as the South. It amounted to this; that the dissolution of the Union was a fair subject of legislative consideration, and could be brought up in the House, in the shape of a report, for discussion.

Mr. Marshall's resolution in substance stated that Mr. Adams had offered the deepest indignity to the House, and an insult to the people, and therefore might well be held to merit expulsion from the national councils. His speech was the main one of the attack, which was vigorously answered by Mr. Adams. The result was that on the seventh of February a motion to lay the whole subject upon the table was adopted by a vote of 106 to 93. A month later another dissolution petition presented by him was quietly disposed of by a vote to reject.

Mr. Adams' course in presenting the petition, and in regard to the whole subject of abolition petitions, was heartily endorsed at a meeting held in his district at Plymouth, in March. (1)

Just before Congress met in 1842 Virginia was completely aroused by the failure of a Mr. Gray to secure a slave which had fled to Massachusetts. Again there was made a threat to call a Southern convention, but again the threat was followed by no further action. (2) Of these two clashes between Virginia and Northern states, however, Mr. Calhoun voiced the general sentiment of the radical South when he commended the course that Virginia had taken. It was his opinion that if she were backed up it would bring on an issue in which the South must triumph.

(1)





At the beginning of this session of 1842 Mr. Adams submitted a resolution providing for the repeal of the twenty-first rule. After a few remarks by Mr. Wise on the order of the resolution, the House, by a vote of 95 to 84, refused to put the question. This same thing happened next day by a vote of 93 to 91, and again on the next, 100 to 95. On the day following the supporters of the rule mustered enough strength to lay the resolution upon the table, and the whole matter was disposed of for the session.

Some days later Mr. Adams presented a petition from citizens of New York praying Congress to pass laws forever separating them from all connection with the question of slavery. The Speaker having decided that the petition was not covered by the provisions of the twenty-first rule, the question of reception was tabled by a vote of 97 to 80. At the same time he presented a resolution from the legislature of Massachusetts respecting Hayti, the reception of which was objected to, but which was referred to a select committee. In regard to the course of Mr. Adams during this session Mr. Calhoun said, in a letter to Mr. J. H. Hammond, "I have no doubt that his object is disunion".<sup>(1)</sup> Again, under date of April 22, he wrote to his daughter, Mrs. T. G. Clemson, "Congress is progressing slowly, but quietly, excepting an occasional outbreak from that mischevious,<sup>(2)</sup> bad old man, John Quincy Adams".

But what proved to be the hardest struggle in the whole period of opposition to the adoption of the gag rules came during the first session of the twenty-eighth Congress, which began in De-

(1) Letters, 503. (2) Ibid., 513.



(1)  
ember 1843. The amendment of Mr.Adams to strike out the twenty-first rule from those of the preceding session, which were to be in force until the committee on rules had reported, was defeated by a vote of 91 to 95, and the committee appointed with Mr.Adams at its head. It was not until the fifth of January that this committee was able even to move to set aside a day for the hearing of its report. At that time Mr.Adams moved to make the report the special order of the day for the next Thursday.

Mr.Dromgoole said that he understood the committee had reported very important alterations and omissions(including the gag), and he therefore moved a recommitment.

Mr.Black, of Georgia, agreed, and also proposed to instruct the committee to report the twenty-fifth rule( the old twenty-first) as one of the rules of the House. He moved his instructions.

Mr.Gilmer, of Virginia, was of the opinion that the motion was out of order. He deplored the attitude of defiance assumed by Mr.Black.

Mr.Black said that he did mean to defy the majority of the committee if they were disposed to exclude the rule, and the majority of the House if it adopted the report. He asked for the yeas and nays on his motion.

It was then moved to lay the whole matter upon the table, but the motion failed, 78 to 106. The previous question was demanded but not seconded.

Mr.Hamlin, of Maine, was against recommitment because it would neither advance nor retard business before the House. The adop-





tion of the twenty-first rule must be done, if done at all, by the House and not by the committee. He should vote against that rule because he believed the right of petition to be constitutional.

The debate was then carried on by Mr. Clingman, of North Carolina, and Mr. Holmes, of South Carolina, until adjournment.

Mr. Duncan, of Ohio, secured the floor at the opening of the discussion next day. He was opposed to the rule, holding the right of petition to be a constitutional one, and the petitioners to be the proper judges of the subjects on which they should petition. He thought, however, that the time to act upon slavery in the District would be when the people there requested its abolition. The rule prohibited those people from petitioning, hence he was opposed to it. The question of abolition was no affair of those not interested. The slaves of the South were better off than if emancipated. The result of the conflicts between the slave-holders and abolitionists had been nothing; the whole thing was a hobby originated to make political capital. The results of the gag rules upon the nation had been disastrous.

(1)

Mr. Brown, of Tennessee, denied that the twenty-first rule violated the right of petition. He cited several cases of petition during the last session, and said of them; (1) The people assembled peaceably- was that right violated? (2) they petitioned for a redress of real or imaginary grievances- was that prevented? (3) they sent their petitions to Congress by their own selected agent- was that prevented? (4) that agent brought them within the halls and presented them to the House- was that prevented? Then the gentleman inform-

(1) Cong. Globe, 28 Cong., 1 session, 1843-4. Vol. XIII, 131.



ed the House who they were, what they complained of, how they reasoned, and what redress they desired. Their right had not been violated. It was to petition; the duty of Congress was to hear. All after that was the right of Congress. The abolitionists asked five things; (1) to receive petitions, (2) to refer, (3) to report, (4) to debate, and (5) to abolish slavery- and the argument advanced by their supporters was that they would be silenced by granting four of the five demands. It had been tried. Debate kept the South excited. It aroused insurrection. Let the report go back to the committee, perhaps they would report the old rule or a modification of it.

Mr. Rhett, of South Carolina, arose to discuss the right of petition. If it was not violated by receiving the petition and then laying it upon the table without further action, what was the use of receiving it at all? The amendments of the Constitution regarded the personal rights of the people. These rights had been infringed upon before it was adopted, and therefore they were included. If the right of petition extended further than hearing, then it infringed upon the right of Congress to legislate.

Mr. Cobb, of Georgia, also declared that the framers of the Constitution had included the declaration of rights in remembrance of what they had suffered under English rule. The Constitution could not be twisted in such a way as to authorize the reception of these petitions. It was the duty of the South, moreover, to stand by the rule. The Northern Representatives had made sacrifices for it and must not now be destroyed by their Southern allies. If the South divided upon the question the North would at once withdraw from its support. The proposition now advanced to substitute reception and tabling for rejection was worse than the latter; it made





room for the next step, that of referring. The South wished to meet the question at the outset. Either the petitions must be rejected or full action must be taken upon them.

(1)

Mr. Winthrop, of Massachusetts, regarded the principle of the rule as all-important. It was a step toward the declaration that the House would receive no petitions on any subject. That body had no right to dictate to the people the subjects upon which they might petition.

Mr. Payne, of Alabama, maintained that the right of petition was inherent and placed beyond the reach of legislation. There was no petition which had been presented to Congress and not heard, understood, and acted upon. Congress had no power to legislate slavery out of the District; its powers were not absolute, they were ceded by the states. It would be a violation of the Constitution to grant petitions directed against property rights.

(2)

Mr. Giddings, of Ohio, said that at the time of the adoption of the Constitution it was distinctly agreed that the institution of slavery should never be interfered with. But at the same time the people of the free states retained the right to be totally free from that institution in every respect. The government should not involve them in the turpitude, expense, and disgrace of slavery. Were there a war, however, it would be a case beyond the Constitution and the law. In this regard there were the examples of interference of slavery by Generals Jackson, Gaines, and Scott. The South, then, had no right to degrade the government by making it an abettor of slave dealers and slave trading. "We do not seek to interfere

(1) Cong. Globe, 28 Cong., 1 session, 1843-4. Vol. XIII, 183.

(2) Ibid., 227.



with the institutions of the South within the limits of their states; but we deny that they have the right to carry these institutions beyond their limits, and compel the people of other states to sustain them."

(1)

On the twenty-fourth of February Mr.Dromgoole said that he intended to withdraw his motion to recommit , in order to submit this amendment to Rule 23;

"No petition, memorial, resolution, or other paper touching the abolition of slavery in the District of Columbia, or in any State or Territory of the United States, or praying the interference of Congress, in any way, with the transfer or removal of slaves from or to any State or Territory of the United States, in which slavery is authorized by law, shall be received by this House, or entertained by it in any way whatever."

Mr.Dromgoole then moved to postpone the matter until the next Tuesday, but after some little debate the motion was lost by a vote of 102 to 88. A motion to print was then adopted, and the House adjourned.

The matter did not, however, come up again until the next Tuesday, when Mr.C.Johnson moved to amend the amendment to read; (2)

"Resolved That the rules of the last Congress shall be adopted by this House except the twenty-first; and that all the petitions in relation to the abolition of slavery in the District of Columbia and the Territories shall be received and laid upon the table without debate. "

Mr.Belser, of Alabama, immediately moved to table the whole subject, but the motion was lost, 90 to 98. The main question was then ordered and the amendment rejected by a vote of 35 to





143. It was then moved to retain the old twenty-third rule, but lost, 86 to 106, and the House passed to the consideration of other rules.

On the twenty-eighth of February the whole subject was laid upon the table by a vote of 89 to 82. Of the 89 votes 30 came from the North; Pennsylvania 4, Ohio 7, Indiana 4, New Hampshire 3, New York 7, Illinois 3, Maine 1, and Connecticut 1, while but 7 Southern votes; North Carolina 1, Virginia 1, Kentucky 1, and Maryland 4, were given against it. The effect of this action was to leave the rules of the twenty-seventh Congress in force, so the victory had once more been won by the supporters of the gag rule.

The second session of the twenty-eighth Congress began on the second day of December, 1844. On that same day Mr. Adams gave notice that he would on the next, or some subsequent day offer a resolution to rescind the rule, now the twenty-fifth, prohibiting the reception of abolition petitions. He did so next day, and after a motion, made by Mr. Thompson, to lay the question upon the table was lost, 81 to 104, the resolution of Mr. Adams was adopted by a vote of 108 to 80.<sup>(1)</sup>  
<sup>(2)</sup>

This vote marks the end of a definite period in the history of anti-slavery petitions in Congress. The South never again succeeded in having Congress adopt a rule or resolution prohibiting the reception of the petitions. The main reason for its final defeat ~~of its method~~ was the growing sentiment of antagonism in the North to any restraint upon the right of petition, which had been developing side by side with the sentiment of antagonism to the

(1) CongGlobe, 28 Cong., 2 session, 1844-5. Vol. XIV, 7.

(2) For vote on resolution see Appx.



institution of slavery itself. The adoption of the rule had once been a part of the policy of the Democratic party, but it was so no longer. States which had at first given a majority of their votes for the resolutions now drew away from such an alliance with the aggressive Southerners, realizing, perhaps, to what lengths that alliance might carry them. The time when the South could dominate the councils of the nation had passed, and Northern interests and Northern ideas were slowly but surely becoming the dominant ones in Congress. The defeat of the last of the gag rules was but an indication of the opposition which was later to result in the downfall of the party responsible for those rules, and in the adoption of a new policy which would be perfected only when the institution of slavery itself had disappeared from the nation.

## CHAPTER V.

### THE STRUGGLE IN THE SENATE.

It is not to be supposed that the storm which had raged so violently in the House during these years had not penetrated into the Senate Chamber. Here the conflict started over a motion made by Mr. Calhoun not to receive a petition for abolition in the District of Columbia, which had come from the state of Ohio, and been presented by Mr. Morris. Mr. Leigh, of Virginia, made the first speech of importance in the debate on the nineteenth of January 1836.<sup>(1)</sup>

In his opinion if these petitions were received the tables of the Senate would be loaded with them. Under the pretext of a sacred right the petitioners themselves were meddling with the cons-

(1) Cong. Globe, 24 Cong., 1 session, 1835-6. Vol. III, 118.





titutional right of property at the imminent danger of a separation of the Union. The duty of receiving their memorials was not imposed upon Congress by the right of petition. That body could not abolish slavery in the District without the consent of the slave owners. It had only the same power over the District that the states had over their territories. The object of the petitioners was therefore to compel abolition in Maryland and Virginia. In this respect Congress had no right to do indirectly what it could not do directly.

Mr. Wright, of Virginia, was of the opinion that it would be better to let this petition go the usual course and be referred without debate. So far as the power and expediency of abolishing slavery in the District were concerned he agreed with Mr. Leigh, but the refusal to receive petitions was a very different matter. The refusal on the broad ground that the subject prayed for could not be granted would be more calculated to increase than to allay excitement. He was against any measure which would have such an effect. The action of the Senate should be such as would be most likely to calm the excitement in all the states and in every section of the Union.

The meetings of the North had made firm declarations against agitation, they had breathed a spirit of patriotism, of generous feeling toward the South, and of attachment to the Union. The efforts of the abolitionists to hold a state convention at Utica, New York, had been defeated. A unanimous expression of the Senate was now of the utmost importance. His plan was to receive all petitions not clearly exceptional, to read them at the clerk's table if desired, and then to reject the prayer of each of them, without debate and by the vote of every Senator.



Mr. Calhoun asked why if the petition were to be immediately rejected it should be received at all. Would a refusal to receive infringe upon the right of people to assemble and petition for a redress of grievances? So long as these petitions were received in the Senate the agitation would continue. The question must be met on constitutional grounds or not met at all.

Mr. Morris here said that he had not introduced the petition to arouse discussion, and would therefore withdraw it.

The petition from Pennsylvania Quakers, which had already been presented by Mr. Buchanan, and on which also Mr. Calhoun had raised the question of reception, was next taken up. Mr. Calhoun said that even if he had no other objection to it its language was such that he would not vote to receive it.

Mr. King, of Alabama, thought it the duty of the Senate to receive. Then if the petition was found to ask for an intermeddling with the constitutional rights of any state it could be stamped with the disapprobation it deserved.

The Senate then adjourned.

(1)

On the twenty-eighth of January Mr. Swift, of Vermont, said that he had had a petition for abolition in the District in his possession for several days. He had waited until now to see what disposition was to be made of the Quaker memorial, not wishing to add to the agitation. His constituents considered the rejection of a petition in the same light as a refusal to receive it. The right was of no value unless the petition were referred and the reasonableness of the prayer investigated. The petitioners further believed that Congress had power over slavery in the District and

(1) Cong. Globe, 24 Cong., 1 session, 1835-6. Vol. III, 147.





ought to exercise it. They believed themselves to be implicated in the continuance of slavery there. He thought, therefore, that the action of the Senate was unwise. The petitioners certainly had a right to be heard, and he moved that the petition be read.

Mr. Calhoun demanded the question on its reception, but the motion of Mr. Buchanan to table it for the day was adopted.

The debate on the twelfth of February was begun by Mr. Moore, of Alabama, who declared that petitions directed against slavery were unconstitutional and an entering wedge for a great scheme of emancipation, and therefore ought to be checked.

Mr. King, of Georgia, differed from the other Southern Senators who had spoken with regard to the mode of procedure. Nothing was better calculated to excite alarm than motions to reject; even an affirmative vote would apply only to the particular petition, and could not prevent the presentation of others. All this debate and agitation was just what the abolitionists desired. The slave-holding states should be satisfied with their rights and ask no more. No unnecessary issues should be made on the right of petition. The people would not see the nice distinctions that would be drawn between a petition and its prayer.

It had been protested that the petitions should be rejected because they reflected upon the whole body or upon some members of the Senate. Where would such a course lead to? It would lead to a rejection of all petitions. To refuse to receive denied the right of being heard, while on the other hand to receive and then reject the prayer gave a hearing to the petitioners and the judgement of the Senate.



Congressional power over the District was certainly limited by the fifth amendment, which provided that no person should "be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation". This amendment, he maintained, had originated from the apprehension of the slave-holders that they might some day be deprived of their property in slaves by law.

Mr. King would vote against the motion to reject the petition, however, because he thought it unwise and impolitic to be making useless and unusual issues with abolitionists, only calculated to give them importance and strength. He would vote to reject the prayer of the petitioners because he thought it inexpedient and beyond the power <sup>of Congress</sup> to grant it.

Mr. Tallmadge, of New York, declared the efforts of abolitionists to be fraught with danger and characterized by a spirit of fanaticism which might lead to consequences fatal to the peace and harmony of the Union. It was for the interests of the North as well as the South that agitation cease. Until now petitions had been received and either laid upon the table or referred and forgotten. It would be much better to have the present petition take the same course. The right of petition was the inalienable right of every American citizen, ranked with life, liberty, and the right to hold property. An obligation on the part of Congress followed. What was the difference between refusing to receive and denying the right to present? It was a denial of the right.

Grievances, moreover, were to be judged by the petitioner himself. His grievance might be real, or it might be imaginary, the right of petition was the same. The right of Congress lay in deter-





mining whether the redress was to be granted. If it decided the grievance to be imaginary it would reject the prayer, but not the petition. Again, if the petition were for something which Congress could not grant and were therefore to be rejected there would always be dispute, for there was always wide divergence of opinion in regard to constitutional powers. By receiving the petitions Senators would discharge their duty to the petitioners, and by rejecting the prayer they would discharge their duty to themselves and to the country. The principle must not be sacrificed because a few fanatics were disposed to violate it. Preserve the right and let the public sentiment of the North correct the evil.

Mr. Niles, of Connecticut, said that some Senators seemed disposed to agitate the question for the very purpose of preventing agitation. It was all connected with politics, and some were trying to build up a sectional party. Northern opinion on the slavery question was both misunderstood and misrepresented. That opinion was really sound. The abolitionists were opposed everywhere as a class of people who meddled in everything at hand. No one supposed that slavery in the states could be interfered with, but the prevailing opinion was that Congress had the power to legislate in regard to slavery in the District. Very few, however, thought it right or proper for Congress to act while slavery existed in the surrounding states. The states relinquished their rights over the District, but the powers of Congress were derived from the Constitution. No state could confer power on Congress.

The abolitionists were of two classes; the old, for peaceful gradual emancipation, and the new, with their more radical views and tendencies. None of their tracts were widely circulated, and



the abolitionism of the second class was an excitement that would soon pass away.

He opposed the motion, first because it was wrong in principle, and second because it was inexpedient and calculated to aid abolitionism. If the people had a right to petition it was the duty of Congress to hear.

Mr. King, of Alabama, was disposed to take the course which, without giving pretext to the charge of infringement upon the right of petition, or seeming to countenance fanaticism, would get rid of the petitions most readily. The course now advocated was inexpedient and would give occasion to many people to believe that it was a violation of the right of petition, and thus aid the abolitionists. Reception was the only true policy, nor was the refusal to receive the strongest measure. The strongest was that of Buchanan, by which the petitions were received but not one step further was taken. The excitement must be calmed if the Union was to be preserved.

(1)

On the second of March Mr. Buchanan spoke in support of his motion. His views were those of his state. Public opinion of the North would down fanaticism, but the North had a right to expect that the Southern men would not adopt a course which would increase its difficulties. No government possessing any of the elements of liberty could exist without the right of petition, nor could the right be controlled by Congress. The Senate could not decide what people were to petition for, or the contest would inevitably be one between liberty and power.

(1) Cong. Globe, 24 Cong., 1 session, 1835-6. Appx. to III, 181.





"There is as much difference between refusing to receive a petition, and receiving it and then rejecting its prayer as there is between kicking a man down stairs who attempts to enter your house, and receiving him politely, examining his request, and then refusing to comply with it."

There was no use of referring ~~to~~ committee, for every one knew whether he would vote to abolish slavery in the District. All Senators ought to be able to agree on his plan of procedure.

Mr. Ewing, of Ohio, was opposed to slavery, and so were his constituents, but few were in favor of Congress' abolishing it in the District, and none would push that measure beyond what they supposed to be the constitutional power of that body. The abolitionists were doing evil for no good end. If Congress would attempt to abolish slavery in the District the slaves there would be sold South. The people of the District would not be consulted in regard to what for many of them would be practically banishment. He would vote for Mr. Buchanan's motion if nothing better appeared.

(1)

Mr. Calhoun declared that the mind of the Senate was made up on the subject of the petitions. Why receive when the mind was determined to reject? But one reason was assigned, that to reject bodily would be to violate the right of petition. This was the question before the Senate. The claim of right was without the shadow of a foundation. The question involved was not the existence of the right, but its extent and limits. There must be some point at which the right of petition ended and that of Congress began. He held that right to end with presentation. The next action was on

(1) Cong. Globe, 24 Cong., 1 session, 1835-6. Vol. III, Appx. 223.



its receipt, and he quoted the opinion of Jefferson, which was that ordinarily when a petition was presented the question put should be- shall this question be received. The rule governing this matter was enacted April 19, 1789, and had been retained ever since. It left Congress free to receive or reject at pleasure.

It was asserted that petitioners had a right to be heard- they were heard by the presenter giving a statement of the contents of the petition. The question on receiving gave opportunity for discussion. Only on the question could opposition be made to the petition itself- after that it was opposition to the prayer. To receive, then, was to take jurisdiction. Precedents were in favor of this view, both in Congress and in Parliament.

The right of petition existed before the Constitution, but that Constitution was the highest authority on the extent and limits of the right. To extend the right to reception was to infringe upon the constitutional rights of the Senate. If the Constitution made it their duty to receive they would have left no discretion to reject. No right of a deliberative body was "more universal than the right to determine what it will receive, over what it shall extend its jurisdiction, and to what it shall direct its deliberation and action. It is the first and universal law of all such bodies."

What did the abolitionists hope? That Congress should take jurisdiction over the subject of abolishing slavery. The question of jurisdiction would be yielded if the petition were received. The attempt was now being made to abolish slavery. Now was the time for all opposed to meet the attack of the enemy at the frontier. If the South could not maintain herself here she could not on an internal





position. The course of Buchanan was the worst possible for the slave-holding states. It surrendered all to the abolitionists. To the objection that his course would increase agitation he replied " If to maintain our rights must increase the abolitionists, let it be so. " The motion of Mr. Buchanan would weaken every one. It would divide the South on the question of reception, the North on that of rejection. Such a division would give a great impulse to abolitionism.

"I ask neither sympathy nor compassion for the slave-holding States. We can take care of ourselves. It is not we but the Union which is in danger. It is that which demands our care- demands that the agitation of this question shall cease here- that you shall refuse to receive these petitions, and decline all jurisdiction over the subject of abolition in every form and shape. It is only on these terms that the Union can be safe. We cannot remain here in an endless struggle in defense of our character, our property, and our institutions."

After this speech, delivered on the ninth of March, the vote was taken on the reception of the petition, and decided in the affirmative, 36 to 10<sup>(1)</sup>. Two days later the question was taken on Mr. Buchanan's motion to reject the prayer of the memorial and carried, 34 to 6. Those voting against the motion to receive were; Black and Walker, of Mississippi, Calhoun and Preston, of South Carolina, Cuthbert, of Georgia, Leigh, of Virginia, Moore, of Alabama, Nicholas and Porter, of Louisiana, and White, of Tennessee, while 2 votes from Missouri, 1 from North Carolina, 2 from Kentucky, 2 from Mary-

(1) Cong. Globe, 24 Cong., 1 session, 1835-6. Vol. III, 239, 248.



land, 1 from Tennessee, 1 from Alabama, and one from Georgia, went with the majority, which included Benton, Buchanan, Clay, Crittenden, King, of Alabama, Niles, and Webster. The six Northern Senators who opposed the rejection of the prayer were; Davis and Webster, of Massachusetts, Hendricks, of Indiana, Knight, of Rhode Island, and Prentiss and Swift, of Vermont.

This method of dealing with the petitions, accepting them and rejecting their prayer, was followed by the Senate throughout the period. It was usually looked upon as a course which both North and South could support. The object of the Senate was to get rid of them as quickly and quietly as possible without violating the right of petition. Only a small party of Calhoun radicals were in favor of denying reception, the remainder of the Senate saw the wisdom of pursuing a middle course.

There was little effort made by the representatives of Calhoun's views to continue the struggle now after this decisive (1) defeat. On the eighteenth of April Mr. Davis presented a petition praying for the abolition of slavery and the slave trade in the District of Columbia, which Mr. Grundy, of Tennessee, moved to table. Mr. White said that he presumed the proper course would be to reject the prayer of the petition, and moved to do so. Mr. Grundy then moved to lay that motion upon the table, which was agreed to.

This method was followed as a matter of course, and no further debate arose until the next session. On the seventeenth of January it was decided by a vote of 35 to 6 to print a memorial concerning abolition which came from the grand jury of the District.

(1) Cong. Globe, 24 Cong., 1 session, 1835-6. Vol. III, 270.





(1)

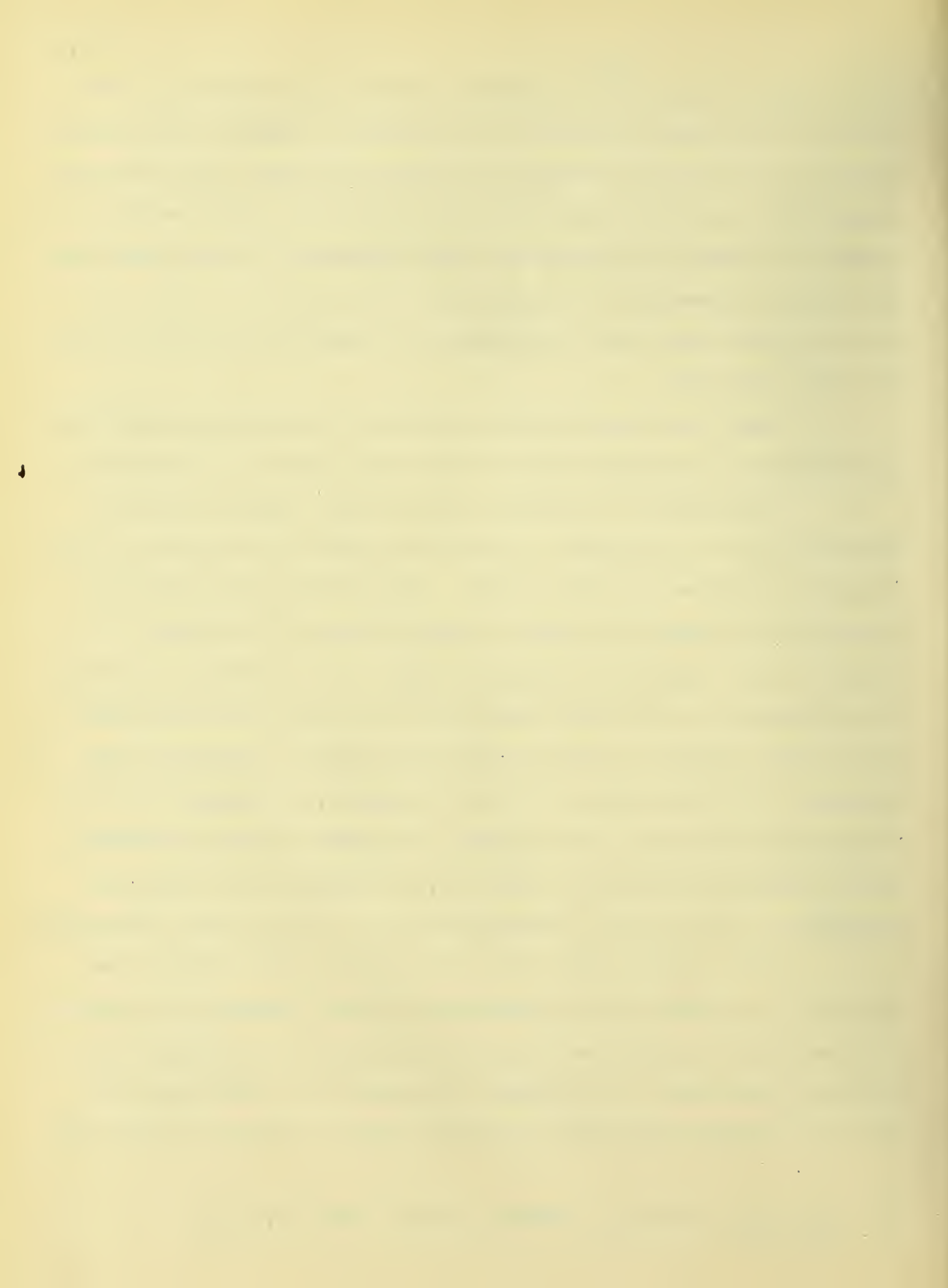
On the sixth of February Mr. Calhoun demanded the question of reception on petitions presented by Mr. Tipton, of Indiana. After brief debate by Mr. Tipton and Mr. Ewing, Mr. Morris proposed that every one charged with abolition petitions present them now, and have the question of reception settled for them altogether. It was agreed to, and several presented. The usual ground was covered in debate, and then Mr. Bayard moved that the question of reception be tabled, which was done, 31 to 13.

More petitions were then presented by Mr. Davis, Mr. Morris, and Mr. Webster. Mr. Bayard moved to table the question of reception.

Mr. Cuthbert, of Georgia, made a short speech involving Mr. Webster in the discussion. Mr. Webster replied that he had no hesitation to declare it as his opinion that Congress did, under the Constitution, possess the power of legislating on the subject of slavery in the District of Columbia. There was no doubt in his mind that Congress also possessed the power to regulate the inter-state slave trade. He did not care to express an opinion concerning the expediency of using either of these two powers. He denied that only those were interested in the subject of slavery who were suffering in the immediate presence of the evil, he himself had as deep an interest in the peace and preservation of the Union as any Southerner.

This was the first day of the session that Northern Senators had presented abolition petitions, and he demanded the exercise of some candor and justice towards those Senators. He himself had presented petitions, not debating the subject, but confining himself to a renewed expression of opinion that it would be better and

(1) Cong. Globe, 24 Cong., 2 session, 1836-7. Vol. IV, 161.



more prudent to refer the petitions to a committee and have a report on them. Neither now nor at any time, in that body or out of it, had any one heard from him any opinion touching slavery in the abstract,,or the power of Congress to interfere with it in the states than had been expressed by the honorable Senator from Virginia(Mr. Rives) himself.

Mr.Hubbard, of New Hampshire, then moved to lay the question upon the table,<sup>(1)</sup> and this motion was decided in the affirmative, 31 to 15. The affirmative vote was given by 11 Northern and 20 Southern Senators, and the negative by 13 Northern and 2 Southerners.

Two days later Mr.Swift, of Vermont, presented a similar petition, Mr.Calhoun objected to its reception, Mr.Brown, of North Carolina, moved to lay the question on the table, and the motion carried, 25 to 12.

At the meeting of the Senate in December 1837 it was very evident that the radicals of the South were determined to make a final stand for their cause. On the eighteenth of December Mr.Wall, Of New Jersey, presented a petition for abolition in the District, and moved to lay it upon the table. The radicals were not yet ready, and took no part in the debate. Mr.Hubbard moved to lay Mr.Wall's motion on the table. Mr.Clay asked that the motion be withdrawn for a moment. He believed it to be better to refer the subject to the Committee on the District to present a report calculated to quiet the excitement of the North.

Mr.Roane, of Virginia, preferred for personal reasons that the petition be referred to some other committee.The debate was continued along the usual lines, and the matter tabled, 25 to 20.

(1) Cong.Globe, 24 Cong., 2 session, 1836-7. Vol. IV, 163.





On the next day Mr. Swift presented a resolution from the legislature from his state and moved to table it. Debate immediately arising, Mr. Swift withdrew the resolution, announcing that he would introduce it again. This resolution was the specific object of the attack made by Mr. Calhoun's resolutions.

On the twentieth of December Mr. Calhoun wrote to J. B. Calhoun that he considered the time now at hand for the South to meet the abolition sentiment of the North. He had moved to table the Vermont resolution, but it had been withdrawn for the present. The sooner the issue was made the better for the South and the country. (1)  
A Southern convention was indispensable. A week later he introduced (2)  
into the Senate these resolutions;

"Resolved That in the adoption of the Federal Constitution the states adopting the same acted, severally, as free, independent, and sovereign States; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, domestic as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

Resolved That in delegating a portion of their powers to be exercised by the Federal Government, the States retained, severally, the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them, and that any intermeddling of any one or more States, or a combination of their citizens, with the domestic institutions and police of the others, on any ground or under any pretext whatever, political,

(1) Letters, 386. (2) Cong. Globe, 25 Cong., 2 session, 1837-8. Vol. IV, 55.



moral, or religious, with a view to their alteration, or subversion, is an assumption of superiority not warranted by the Constitution; insulting to the States interfered with, tending to endanger their domestic peace and tranquillity, subversive of the objects for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

Resolved That the government was instituted and adopted by the several States of the Union as a common agent in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity; and that, in fulfillment of this high and sacred trust, this Government is bound so to exercise its powers as to give, so far as may be practicable, increased stability and security to the domestic institutions of the States that compose the Union; and that it is the solemn duty of the government to resist all attempts by one portion of the Union to attack the domestic institutions of another, or to weaken or destroy such institutions, instead of strengthening and upholding them, as it is in duty bound to do.

Resolved That domestic slavery, as it exists in the Southern and Western States of this Union, comprises an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an essential element in the distribution of its powers among the States; and that no change of opinion or feeling, on the part of the other States of the Union in relation to it, can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge





to protect and defend each other, given by the States, respectively, on entering into the Constitutional compact, which formed the Union, and as such is a manifest breach of faith, and a violation of the most solemn obligations, moral and religious.

Resolved That the intermeddling of any State or States, or their citizens, to abolish slavery in this District, or any of the Territories, on the ground, or under the pretext, that it is immoral or sinful; or the passage of any act or measure of Congress with that view, would be a direct and dangerous attack upon the institutions of all the slave-holding States.

Resolved That the Unity of these States rests on an equality of rights and advantages among its members; and that whatever tends to destroy that equality tends to destroy the Union itself; and that it is the solemn duty of all, and more especially of this body, which represents the States in their corporate capacity, to resist all attempts to discriminate between the States in extending the benefits of the Government to the several portions of the Union; and that to refuse to extend to the Southern and Western States any advantage which would tend to strengthen, or render them more secure, or increase their limits or population by the annexation of new territory or States, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral, or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the Constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slave-holding States, withholding from them the advantages, while it subjected them to the burdens of the Government."



Mr. Calhoun moved to print the resolutions, which was agreed to, and the Senate adjourned.

The discussion was begun by Mr. Calhoun next day, December 28, 1837. He maintained that the resolutions spoke definitely, and to all points, for themselves. Some people considered this as a national government made up of individuals, with rights common to all, and of this class were the abolitionists. It was his theory that the Confederacy consisted of free, sovereign, and independent States, each vested with supreme and indisputable rights. These resolutions presented ground where all could stand and express opinions without affecting the right of other points. He wished them to pass by a unanimous vote, and to be considered as a test question in regard to the feeling of the Senate toward the South.

Mr. Strange, of North Carolina, was not in favor of wasting time with abstract questions, even though he agreed with them. They added nothing as a bulwark of strength for the South, and they would produce mischief by the discussion.

Mr. Calhoun replied that every one was opposed to discussion, but the abolitionists were to blame for it, and it was now time for the South to meet the question.

The subject was then postponed for a week.

(1)

On the third of January Mr. Morris deprecated the sectional spirit shown in the debate, which he believed could never lead to the peace and happiness of the whole country. These resolutions were highly objectionable, and he intended to offer amendments. He then moved to strike out the words "moral and religious" from the first resolution, but the motion received the support of only 14 votes, and the first resolution carried, 32 to 13. 14 North-

(1) Cong. Globe, 25 Cong., 2 session, 1837-8. Vol. VI, 73.





ern and 18 Southern votes were cast for it, 13 Northern votes against.

(1)

Mr. Webster said that it was the express power of Congress to prohibit the importation of slaves, though slavery itself was guaranteed by the Constitution. If the resolutions could be modified to meet the constitutional requisitions, asserting that the Constitution permitted slavery and protected the institution he would vote for them. An assertion that the Constitution could not meddle with domestic institutions, if supported, would utterly deprive it of power and effect. These doctrines were a sweeping declaration against the spirit and letter of the Constitution.

The second resolution, directed against the meddling of states with the institutions of other states, was adopted as it stood, 31 to 9, and the Senate adjourned. The 9 votes against it were those of Davis, of Massachusetts, Morris, of Ohio, Prentiss, of Vermont, Smith, of Indiana, Southard, of New Jersey, Swift, of Vermont, Tipton, of Indiana, Wall, of New Jersey, and Webster.

Mr. Norvell, of Michigan, moved to strike out so much of the third resolution as pledged the government to give "increased stability and security to the domestic institutions of the States" and pronounced it to be its duty to strengthen them. He abhorred abolitionism, and thought it to be no part of the business of the North to interfere with slavery. It was a domestic institution, and Congress could not touch it either in the States or in the District. He was not in favor of slavery, but deplored the effects of abolitionism. The South ought to be let alone. His amendment was in support of the theory that this struggle ought not to be transferred to the Northwest.

Mr. Preston spoke in favor of the amendment, and Mr. Calhoun agreed.

(1) Cong. Globe, 25 Cong., 2 session, 1837-8. Vol. VI, 74.



Mr. Hubbard, of New Hampshire, thought that the adoption of the resolutions was a very important matter and would do great good in the North. He was in favor of the amendment.

Mr. Young, of Illinois, said that that part of the Constitution in regard to fugitive slaves was proof of the control of Congress over domestic institutions. There was no power to punish abolitionists in one state for crimes committed in another. The fact that these resolutions were before the Senate was proof that the South wanted more than simply to be let alone.

Mr. Smith, of Indiana, had offered a proviso which was amended by Mr. Allen, of Ohio, to read;

"That nothing in the foregoing resolution is intended to recognize the right of Congress to impair in any way the freedom of speech, or of the press, or the right of petition, as secured by the constitution to the people of the several States within their limits respectively."

This proviso thus amended was adopted by a vote of 32 to 14.

Mr. Morris then offered as an amendment to the resolution (the third) an addition declaring that the right of the people to speak, write, or print anything whatever, whether or not it concerned the institutions of another state, was indisputable, and that the people so doing were amenable only to the state in which they might be at the time.

Mr. Calhoun thought the amendment unnecessary.

Mr. Morris replied that as the resolutions now stood their effect would be to operate against freedom of speech and of the press.





Mr. Hubbard did not expect much good to come from the resolutions in checking agitation. He was in favor of them merely for the abstract principles involved. They would guide public opinion. He regretted to see amendments made for the purpose of defeating the resolutions.

Mr. Benton thought it would be better to refer the whole matter to a select committee.

Mr. Calhoun opposed this suggestion. Much progress had already been made, the first two resolutions adopted, and discussion of the third nearly terminated. The remaining resolutions were but deductions from these. He had made them as abstract and as acceptable to all as he possibly could, as the only ground upon which the South could stand-- the theory of States Rights. The abolitionists had been roused to action by a wrong theory of the relations of the states to the government. Mr. Calhoun wanted something more solid than support on the basis of expediency. This agitation, if continued, must eventually make two peoples of one. The disease must be met where it originated, and the resolutions were to be the rallying ground.

In line with this argument Mr. Calhoun wrote to J. E. Calhoun on January seventh, that the disease had originated in the non-slaveholding states and must be met there. His resolutions must tend to bring the Democratic party in those states into conflict with the abolition and consolidation parties.

(L)  
Mr. Buchanan was still for reference to a committee. He was not in favor of interfering with the constitutional rights of slave-holding states, and was therefore ready to adopt any consti-



tutional measures that would stop agitation. The discussion of the resolutions would not, nor would their adoption. The principles involved were all right, but Senators were placed in a wrong position. People thought the right of petition endangered. The abolitionists had postponed emancipation and were tending to create servile insurrections, and to split the Union. A select committee could present these three resolutions which could be passed unanimously, declaring (1) that Congress could not interfere with slavery in the states, or (2) prohibit the transfer of slaves from state to state, and (3) that it ought not to abolish slavery in the District.

Mr. Davis asserted that petitioners had been driven away from the Senate, the new measures would do no more. They were a challenge to discussion. His chief objection to them was on account of their political nature and the fact that they were wholly unnecessary.

Mr. Niles considered the resolutions as an answer to petitions and thought that they ought therefore to have come from a committee. He believed the principles sound and the only basis on which liberty and union could be maintained together. False views of the theory and nature of the government were at the bottom of the abolition agitation. The abolitionists thought themselves in some way responsible for slavery because they were citizens of the same country in which it existed. The resolutions, on the other hand, presented the theory of non-intervention. The abolition spirit was spreading. The strength of the union lay in public opinion, which must be set against the agitators before they take the next step and refuse to vote for any one unpledged to their cause.





The third resolution, declaring that the government ought to resist attempts to intervene with a state's domestic institutions, (1) was then adopted by a vote of 31 to 11. The fourth, declaring against the attack upon slavery, carried, on January ninth, without debate, by a vote of 34 to 5, and the fifth, declaring attempts to secure the abolition of slavery in the District or in the Territories to be an attack upon the institutions of the slave-holding states, was next taken up.

Mr. Pierce thought this to be the real ground upon which the contest was to be determined. He had discovered signs neither of nullification nor of the abridgement of speech or of the press in the resolutions. He believed them to be more than mere abstractions; their adoption would satisfy the South and calm the North. Maryland and Virginia would never have agreed to part with the territory comprising the District if they had thought that the rights and property of their citizens were to be invaded against their consent and in spite of their remonstrances. The laws could not be enforced, and the District would become a fugitive slave refuge.

Mr. Crittenden, of Kentucky, thought that the resolutions would not produce peace or allay excitement, that they were too vague and general. They would produce agitation and were introduced to promote personal views and party ambition. Calhoun's little party was not the only one to follow, and all who opposed him were not necessarily abolitionists.

Mr. Clay had voted for the resolutions as abstract principles and hoped that they would allay excitement, but feared not. The last resolution would commit the Senate to Texan annexation. These two subjects, Texas and abolition, ought to be kept separate.

(1) Cong. Globe, 25 Cong., 2 session, 1836-7. Vol. VI, 81.



The object of the Senate should be to allay excitement and stop agitation, and the petitions ought therefore to be referred. If they were manifestly unconstitutional they should be rejected, if doubtful they should be investigated, and if the power surely lay with Congress they should be treated with respect. The Senate was not right in tabling; it was an unsatisfactory method.

After further debate, which, as Mr. Buchanan said, 'had become exceedingly dull, had almost worn itself out, and was now dragging its weary length along', the fifth resolution was amended thus;

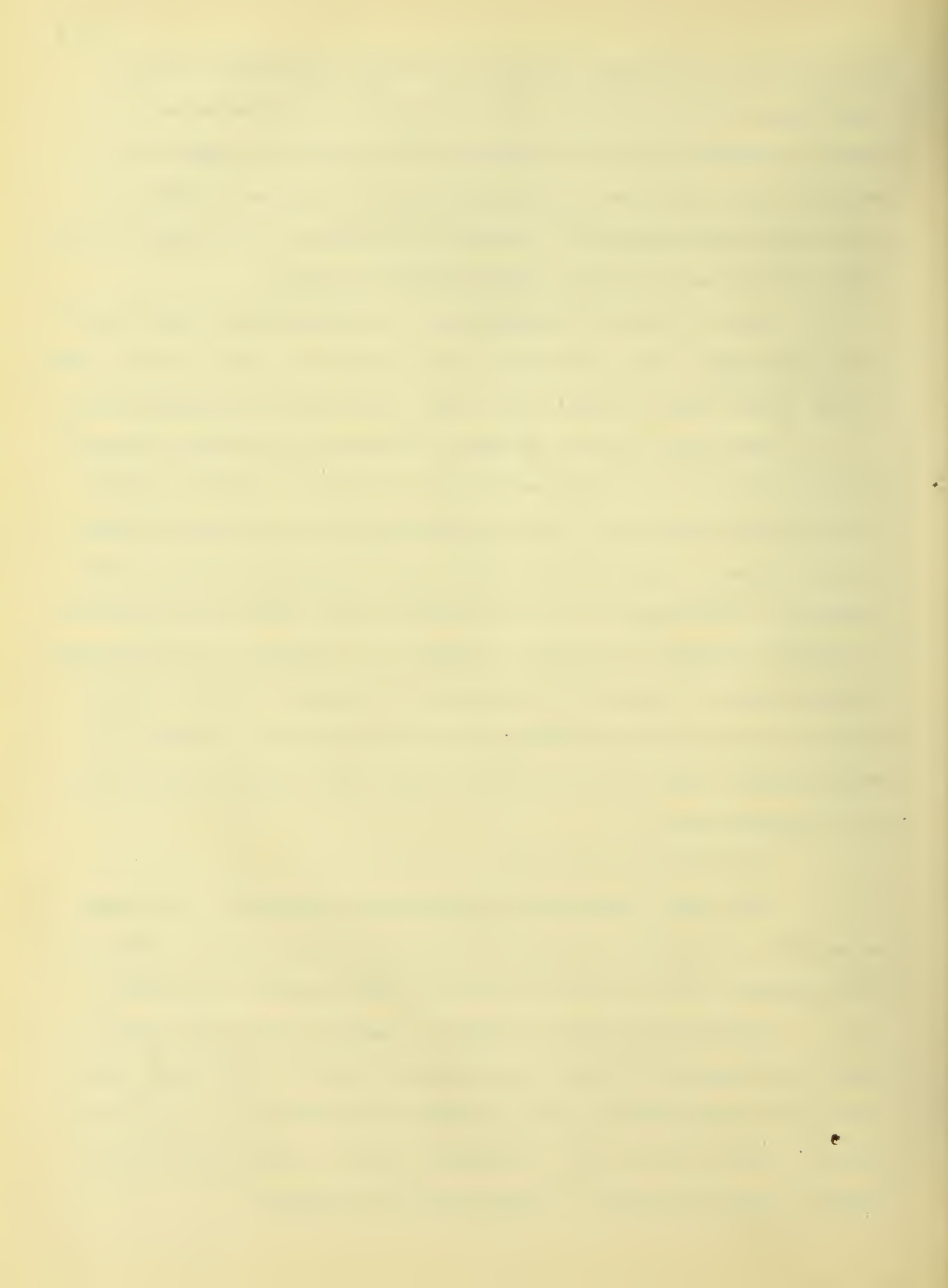
"Resolved That any attempt of congress to abolish slavery in any Territory of the United States, in which it exists, would create serious alarm and just apprehension in the states sustaining that domestic institution; would be a violation of good faith towards the inhabitants of such Territory, who have been permitted to settle with and hold slaves, because the people of such Territory have not asked for abolition therein, and because, that, when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to settle that question exclusively for themselves."

and adopted, 35 to 9.

The sixth resolution, declaring, practically, for Texan annexation, was taken up January twelfth, and supported by Calhoun, who considered this as one of the most important of the series.

Mr. Preston moved to table it because the subject would come up more appropriately in connection with his resolution concerning the annexation of Texas. This also carried 35 to 9, the 9 negative votes being those of Calhoun, Clay, of Alabama, Fulton, Lumpkin, Roane, Robinson, Young, Sevier, and Walker.





Mr.Allen then moved his amendment, which was tabled, 23 to 21.

According to Mr.Calhoun's own views the defeat of the fifth resolution was caused by the approach of the coming presidential campaign, in which both Mr.Clay and Mr.Van Buren expected to become candidates. It was natural that they should "come together on all questions on which the North and South come into conflict". One was a Southern man relying upon the North for support, and the other a Northern man relying upon the South. They had therefore a common dread of all conflicting questions between the sections. At first they were too hostile to combine against him, but succeeded in joining their forces by the time the fourth and fifth resolutions were reached. A few from the South gave away, and this compelled the North to do the same.<sup>(2)</sup>

On the sixteenth of January Mr.Swift again introduced his resolutions. A short debate followed, in the course of which a motion to reject, made by Mr.Strange, was defeated, 22 to 16. The resolutions were then tabled on motion of Mr.Swift himself.<sup>(3)</sup>

Six days later several petitions were presented, and on all the question of reception was tabled.<sup>(4)</sup> This method was then followed uniformly, and there was no more protracted debate in the Senate. All interest in the struggle was centered on the House, where the conflict was still raging, while the Senate, as we have before noted, was not disturbed by the petitions. The general spirit of the body was shown by Mr.Tappan, of Ohio, on February 4, 1840.

(1) Cong.Globe, 25 Cong., 2 session, 1837-8. Vol. VI, 97.

(2) Letter to Burt, Letters, 388.

(3) Cong.Globe, 25 Cong., 2 session, 1837-8. Vol. VI, 107-9.

(4) Ibid., 123.



On that day he informed the Senate that he had in his possession a petition praying for abolition in the District, but since it was his opinion that Congress had no such power, and that neither the people of the District themselves nor those of Virginia or Maryland wanted abolition, he declined to present it.

(1)

Again, on the thirteenth, Mr. Clay, in presenting a petition, stated that in his opinion the crisis had passed. A short debate ensued, in the course of which Mr. Calhoun elaborated his theory that the right of petition was of minor importance in a free country, being superseded by that of suffrage. Mr. Webster vigorously disagreed. The petition itself was tabled.

These incidents were the only occasions for debate in the upper house while there were going on in the lower the violent struggles which continued until the repeal of the gag rule, in December 1844. In the nation at large excitement had died away, and, as Clay had said, the crisis seemed to have passed. It is only in connection with the larger movements of politics that we are able to see any indication of the presence of the question, and then only to catch fleeting glimpses. It is but one thread interwoven with innumerable others, though at times it is seen clearly in the tangle. In this light are to be regarded the references to the abolition question that occurred occasionally in the presidential campaign of 1844, in which the great radical, John C. Calhoun was a candidate for the nomination. The interest which was most feared by his friends in the campaign was that of the anti-slavery parties,

(1) Cong. Globe, 26 Cong., 1 session, 1839-40. Vol. VIII, 160-1.

(2) Ibid., 181-97.





which if in concert would be powerful, and would favor the candidate who favored their views. This, they said, required consideration, for if carried out it would be a violation of the federal compact and, perhaps, a separation of the Union. "Let it become understood that no President shall hereafter come from a slave-<sup>(1)</sup>holding state, and the Rubicon is passed."

As the campaign went on vigorous complaints were made by the Calhoun men in regard to the attitude of the Van Buren Democrats towards the abolitionists. Calhoun openly charged them with<sup>(2)</sup> having violated the pledges given in voting for his resolutions. The first four of those resolutions were, he claimed, passed by the unanimous vote of the Republican party. The present action of the Van Burenites was a case of political treachery almost without example. It was a play to get abolition votes, and was his reward for<sup>(3)</sup> saving Van Buren from prostration in 1836. The action to which he referred was, mainly, the adoption in Congress of the method of tabling petitions. The repeal of the House rule refusing reception he regarded with fearful apprehension. "It was, with few exceptions, the votes of the two sections, slaveholding and non-slaveholding, arrayed against each other. They appear to me to be coming daily more and more into deadly conflict. To judge by indications which are constantly occurring we shall be thrown on our own means of defending ourselves on that vital question. It would seem, that we can look no longer to our Northern allies for support in reference<sup>(4)</sup> to it."

After the repeal of the gag rule we are in a new period of the agitation. For a long time petitions are very infrequent in

(1) Letters (Lawrence), 879. (2) Ibid., 562. (3) Ibid., Feb. 4, 1844.  
(4) Ibid., 636.



both houses, and there is practically no debate. The question has almost entirely resolved itself into one merely of expediency. The first motion to table in the House was lost, and the petition referred to the Committee on the District. (1) Anti-slavery petitions presented by Mr. Giddings were laid over, on account of the expression by members of a desire to debate, and forgotten. (2) A petition requesting the use of the proceeds of the sale of public lands to provide for emancipation was tabled, 117 to 49. (3)

At the next session of Congress, on the first day of December, 1845, a motion made by Mr. Chapman, of Alabama, to readopt the gag rule was defeated by the decisive vote of 121 to 84. (4) On the tenth, however, remonstrances against the annexation of Texas, presented by Mr. Adams, were tabled, 115 to 72, and on the next day a memorial against slavery in the district was similarly disposed of by a vote of 108 to 59. (5)

This was done without debate. Nor did debate occur in the House until January, 1848, when it was confined to points of order, and the petition occasioning it tabled by a vote of 94 to 88. (6) Four months later, in the same session, the House refused to suspend the rules to consider a resolution providing that the Committee on the District be instructed to report a bill for the abolition of slavery there. (7) A committee was appointed to report a bill providing for the abolition of the slave trade, December 21, 1848, by a vote of 98 to 88. A week later, however, the motion was taken up to reconsider, and after postponement for two weeks reconsideration carried, 119 to 81. (8)

(1) Cong. Globe, 28 Cong., 2 session, 1844-5. Vol. XIV, 18.

(2) Ibid., 25. (3) Ibid., 64. (4) Ibid., 29 Cong. 1 session, 1845-6. Vol. XV, 3. (5) Ibid., 41, 43. (6) Ibid., XVII; I, 180. (7) Ibid., 788.

(8) Cong. Globe, 30 Cong., 2 session, 1848-9. Vol. XVIII; 84.





On the twentieth of February a similar bill, which had been introduced a year before, was taken up and tabled. Congress was evidently not yet ready for such measures.

In the next session there occurred a struggle over the speakership which lasted for weeks. Mr. Cobb, of Georgia, and Mr. Winthrop, of Massachusetts, were the leading candidates, but after several days of fruitless balloting Mr. Brown, of Indiana, was nominated as a compromise candidate. One of the elements of his strength lay in the fact that he had promised to constitute the Committee on the District in reference to the subject of abolition.

From this time on almost nothing is heard of the action of Congress on anti-slavery petitions. Few were received, as a rule, and they were referred or tabled according to expediency. At times, when such subjects as the Compromise of 1850, or Texan annexation, or the Kansas-Nebraska Bill were before Congress the petitions would come pouring in. But they were usually tabled on the ground that the subject was before Congress in another form. No debate arose concerning their disposition. Then came the great struggle of 1854 on the Kansas-Nebraska question, and gradually, as Calhoun had theorized years before, in this respect at least the right of petition yielded to the right of suffrage. The people ceased to petition and went to the polls to settle the questions of slavery, and the day of anti-slavery petitions had forever passed away.

(1) Cong. Globe, 30 Cong., 2 session, 1848-9, Vol. XVIII, 569.

(2) Ibid., 34 Cong., 1 session, 1855-6. Vol. XXV:I, 19-21. (3) Ibid., 31 Cong., 1 session, 1849-50. Vol. XIX:I, 34.; Vol. XX:I, 575-80.; Vol. XXL:II, 901-2. (4) Ibid., 33 Cong., 1 session, 1853-4. Vol. XXIII, 41, 400ff.





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# APPENDIX A.

## VOTES IN THE HOUSE DURING THE CONTROVERSY.

	Patterson Feb. 35. May 1886		Hawes Res. Jan. 37.		Patterson Res. Dec. 37.		Archer Res. Dec. 38.		Thompson Res. Jan. 40.		Cedeno Rule June 41.		To table question Feb. 44.	
	For	vs.	For	vs.	For	vs.	For	vs.	For	vs.	For	vs.	For	vs.
Maine	5	1	5	2	4	3	3	4	2	6	4	4	1	4
N.H.	4		5		4		3		4		4		3	1
Vermont		5		5		5		5		5		5		4
Mass.		11		11		11		12		12	9	2		10
Conn.	3	2	1	2	2	3	3	2		6	6		1	1
R. I.		2		1		2		2		2	2			2
New York	27	9	28	7	20	9	21	14	7	33	18	21	7	23
N. Jersey	1	3	3	3		4		5		1	6			
Penn.	10	13	10	11	14	11	13	10	6	17	11	14	4	15
Del.				1	1	1		1			1			1
Ohio	7	11	12	8	2	17	7	12	6	12	11	6	7	10
Ind.	2	3	4	1	3	6		6	2	4	7	1	4	2
Ill.	3		3		3			3	1	2	1		3	
Mich.										1	1	1		3
Md.	4	1	4		4	1	6		7		1	5		4
Va.	10	4	8	9	17	1	17	1	20	2	7	13	6	1
N.C.	9		6	3	9		11		11		5	8	4	1
S.C.	2	1	2	5	5		7		9			9	5	
Tenn.	5		9	5	10		9	2	9	2	7	5	10	
Ky.	11		9	11	10		9		10	2	9	2	8	1
Georgia	6	2	6		5		5		9	1	6	4	8	
Ala.	3		3	1	4		4	1	5			2	7	
La.	2		4		2				1		2		3	
Miss.	1		2		2		1	1	2				2	
Ark.					1		1		1				1	
Mo.	1	2	2		1		1		2			2	4	
Totals	117	68	129	69	122	74	126	78	114	108	184	188	188	83.



## Rejection of Rule in 1844

Niles Register LXVII: 219.

	Yeas		Nays	
	Dem.	Whig.	Dem.	Whig.
Maine	4	2	0	0
New Hampshire	1	0	3	0
Mass.	2	8	0	0
Conn.	3	0	0	0
Vermont	1	3	0	0
Rhode Island	0	2	0	0
New York	19	7	2	0
New Jersey	3	1	0	0
Pennsylvania	6	13	2	0
Delaware	0	0	0	1
Maryland	0	3	0	1
Virginia	0	0	9	3
N. Carolina	0	1	5	2
S. Carolina	0	0	6	0
Georgia	0	0	5	1
Alabama	0	0	5	1
Mississippi	0	0	5	0
Louisiana	0	0	1	0
Missouri	0	0	0	0
Illinois	1	1	4	0
Indiana	6	2	4	0
Ohio	7	8	<del>2</del> 3	0
Kentucky	0	1	5	3
Tennessee	0	0	5	3
Michigan	3	0	0	0
	56	52	65	15
	108		to 80.	





# APPENDIX B.

## VOTES IN THE SENATE DURING THE CONTROVERSY.

	To receive rat. March 36.	Total receipts Feb. 37.	For 1. Cal. Ry.	For 2. Cal. Ry.	Against tabling
	For. Va.	For. Va.	For. Va.	For. Va.	
Maine	2	2	2	1	
N. H.	2	1	2	2	
Vermont	2		2	2	
Mass.	2	2	2	2	
Conn.	2	2	2	2	
R. Island	2	2	2		
New York	2	1	1		2
N. Jersey	2	2	2		
Del.	2	2	2	1	
Penn.	2	1	2	1	
Ohio	2	2	1	1	1
Ind.	2	1	2	1	
Ill.	2	1	2	1	2
Mich.		2	2	2	
Md.	2	2		1	
Va.		2	2	2	1
N.C.	1	2	2	2	
S. C.	2	2	2	2	1
Tenn.	1	2	1	1	
Ky.	2		1	1	
Georgia	1	2	2	2	1
Ala.	1	2	2	2	1
La.	2	1	1	1	
Miss.	2	2	2	2	1
Ark.		2	2	2	2
Mo.	2	2	1	1	
Totals	36 to 10	31 to 15	31 to 13	31 to 9	9.









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